



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Information Network of Kansas

Notice of Meeting

The Information Network of Kansas Board of Directors will meet at noon Tuesday, September 25, in the Wheat Room of the Maner Conference Center, 1717 S.W. Topeka Blvd., Topeka. The meeting is open to the public. For additional information, call (785) 296-1460.

Leroy Gattin
Chairman

Doc. No. 027077

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. A complete listing of Kansas state agencies, boards, commissions, and county officials are included in the Kansas Directory, published by the Secretary of State. The directory also is available on the Secretary of State's Web site at www.kssos.org. The following appointments were recently filed with the Secretary of State:

Chase County Clerk

Nadine Buell, Chase County Courthouse, P.O. Box 547, Cottonwood Falls, 66845. Term expires when a successor is elected and qualifies according to law. Succeeds Sharon Pittman, resigned.

District Judge, 25th Judicial District,
Division One

Robert J. Frederick, Kearny County Courthouse, 300 N. Main, Lakin, 67860. Succeeds J. Stephen Nyswonger.

Secretary of Administration

Joyce Glasscock, Room 263-E, State Capitol, 300 S.W. 10th Ave., Topeka, 66612. Serves at the pleasure of the Governor. Succeeds Dan Stanley.

Kansas Guardianship Program
Board of Directors

John D. Bennett, 703 Canterbury Road, Pittsburg, 66762. Term expires June 30, 2005. Succeeds Timothy Emert.

Jack E. Dalton, 2207 Third Ave., Dodge City, 67801. Term expires June 30, 2005. Reappointed.

Eloise M. Lynch, 705 S. Santa Fe Ave., Salina, 67401. Term expires June 30, 2005. Reappointed.

Board of Examiners for Hearing Aids

Judith A. Bagby, 29951 S. Adams Road, Melvern, 66510. Term expires June 30, 2004. Reappointed.

Terry D. Brewster, 2602 Patti, Wichita, 67216. Term expires June 30, 2004. Reappointed.

Ron Thornburgh
Secretary of State

Doc. No. 027074

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State of Kansas

Kansas Arts Commission

Notice of Meeting

The Kansas Arts Commission will convene its quarterly business meeting at 9 a.m. Wednesday, September 26, at the Coffeyville Cultural Arts Center, 912 Walnut, Coffeyville. The commissioners and agency staff will travel to Southeast Kansas on Tuesday, September 25. En route, they plan to visit the Fredonia Arts Council at the Stone House Gallery in Fredonia and the Neodesha Arts Council. They will attend a dinner at 7 p.m. at the Coffeyville Arts Council.

Meetings of the Kansas Arts Commission, a state agency, and its advisory panels are open to public obser-

vation in accessible locations. Persons with special needs are asked to request accommodation in advance. Assisted listening devices are available upon request. Official proceedings are recorded on audiotape.

For more information, contact the Kansas Arts Commission, 700 S.W. Jackson, Suite 1004, Topeka, 66603-3761, (785) 296-3335, fax (785) 296-4989, e-mail KAC@arts.state.ks.us. Persons with special communication needs may use the Kansas Relay Service, 1-800-766-3777.

David M. Wilson
Executive Director

Doc. No. 027075

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of September 24 through October 7. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://skyways.lib.ks.us/ksleg/KLRD/klrd.html>.

Date	Room	Time	Committee	Agenda
September 26 September 27	313-S 313-S	10:00 a.m. 9:00 a.m.	Special Committee on Judiciary	27th: Topic 1—Privacy of Medical Records; Topic 2—Kansas Civil Forfeiture Law. 28th: Topic 4—Kansas Supreme Court Opinion Concerning Upward Departure of Sentences.
September 26 September 27	514-S 514-S	10:00 a.m. 9:00 a.m.	Special Committee on Ways and Means/Appropriations	Tour of KBI (Topeka); foster care funding; community clinic model; monthly report on nursing facility beds.
September 27 September 28	519-S 519-S	10:00 a.m. 9:00 a.m.	Special Committee on Assessment and Taxation	27th: Topic 5—Local Sales Tax on Natural Gas; Topic 11—Property Tax on Rental Equipment; Topic 6—Agricultural Land Use Value; Topic 1—Regents' Foundation Income Tax Credits. 28th: Topic 2—Streamlined Sales Tax; Topic 8—Federal Mobile Sourcing Act; Topic 7—Sales Tax on Telecom and Broadband Equipment.
September 28	123-S	8:00 a.m. (Sub Comm.) 9:00 a.m. (Full Meeting)	Legislative Coordinating Council	Legislative matters.
September 28	514-S	9:00 a.m.	Joint Committee on Children's Issues	Overview of HealthWave; child care rules and regs.; youth agency out of foster care.
October 1 October 2	519-S 519-S	10:00 a.m. 9:00 a.m.	Legislative Educational Planning Committee	Agenda not available.
October 2	313-S	9:00 a.m.	Special Committee on Redistricting	Continued discussion of congressional redistricting plans.

Jeff Russell
Director of Legislative
Administrative Services

Doc. No. 027070

State of Kansas

Board of Emergency Medical Services**Notice of Meeting**

The Board of Emergency Medical Services will meet at 9 a.m. Friday, October 5, at the Plaza Inn Conference Center, 1911 E. Kansas Ave., Garden City. Committee meetings will begin at 10 a.m. Thursday, October 4.

Agenda items include an office update, committee reports, the proposed FY 2003 budget, 2002 legislative agenda, strategic plan, proposed office move, Trauma Registry Committee update, FY 2002 budget update, and the EMSC Grant & Pediatric Symposium.

All meetings of the board are open to the public. For more information, contact the administrator at 109 S.W. 6th, Topeka, 66603, (785) 296-6237.

David Lake
Administrator

Doc. No. 027059

State of Kansas

Racing and Gaming Commission**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 9 a.m. Friday, December 14, at the Kansas Racing and Gaming Commission office, conference room, 3400 S.W. Van Buren, Topeka, to consider the adoption of a proposed permanent regulation of the Kansas Racing and Gaming Commission. This 60-day notice constitutes a public comment period for the purpose of receiving written public comments on the proposed regulation.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the Kansas Racing and Gaming Commission, 3400 S.W. Van Buren, Topeka, 66611-2228, (785) 296-5800.

A copy of the full text of the regulation and the economic impact statement may be reviewed or obtained at the commission office. The following is a summary of the proposed regulation:

K.A.R. 112-18-11. Emergency procedures. The amendment to this regulation would allow patrons that have already wagered on a simulcast race to keep that wager active if there is a loss of video at one of the racetracks in the participating hub and, if the video signal cannot be reestablished, the simulcast licensee shall cease accepting any further wagers.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment.

Tracy T. Diel
Acting Executive Director

Doc. No. 027062

State of Kansas

**Law Enforcement Memorial
Advisory Committee****Notice of Meetings**

The Advisory Board of the Kansas Law Enforcement Memorial Advisory Committee will meet at 10 a.m. Friday, September 21, at the Kansas Historical Society, Historical Research Center, 6425 S.W. 6th Ave., Topeka, and at 10 a.m. Friday, December 7, at the office of the Attorney General, second floor, Memorial Hall, 120 S.W. 10th Ave., Topeka. The schedule for meetings in 2002 will be set at the December 7 meeting. For additional information, contact Matt Veatch at (785) 272-8681, ext. 271.

Charles Sexson
Chair

Doc. No. 027065

State of Kansas

Kansas Development Finance Authority**Notice of Hearing**

A public hearing will be conducted at 9 a.m. Thursday, October 4, in the conference room of the Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, on the proposal for the Kansas Development Finance Authority to issue approximately \$4,500,000 principal amount of Housing Development Revenue Bonds. The bonds will be issued, pursuant to K.S.A. 74-8901 *et seq.*, to finance the costs of construction of a 64-unit garden apartment multifamily housing facility to be operated as Oak Ridge Park apartments to be used for public housing purposes (the project). The project is being financed for Oak Ridge Park Associates II, L.P. (the developer). Oak Ridge Park Apartments will consist of 16 one-bedroom units and 48 two-bedroom units located at 152nd and Ridgeview Road in Olathe, Johnson County, Kansas.

The bonds, when issued, will be a limited obligation of the Kansas Development Finance Authority and will not constitute a general obligation or indebtedness of the State of Kansas or any political subdivision thereof, including the Authority, nor will the Bonds constitute an indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. The bonds will be payable solely from amounts received from the developer, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bonds when they become due.

All individuals who appear at the hearing will be given an opportunity to express their views, and all written comments previously filed with the Authority at its offices at Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the Authority.

Jack H. Brier
President

Doc. No. 027069

State of Kansas

Board of Technical Professions

Notice of Meetings

As previously published in the Kansas Register July 19, 2001, the Kansas State Board of Technical Professions will hold a rules and regulations hearing at 9 a.m. Wednesday, September 26, in Room 108 of the Landon State Office Building, 900 S.W. Jackson, Topeka. Additionally, the board will hold its complaint committee meeting at approximately 9:30 a.m., at the conclusion of the public hearing, in Room 507 of the Landon Building.

The board will hold its regular board meeting Thursday, September 27, in Learned Hall, University of Kansas, Lawrence. The Professional Engineer and Land Surveyor Committee will meet in Room 2007 at 8:30 a.m., and the Architect/Landscape Architect/Geology Committee will meet in Room 2020 at 8:30 a.m. The full board will meet at approximately 11 a.m., at the conclusion of the committee meetings, in Room 2007.

The board also will conduct an open forum with university students from noon to 1 p.m. September 27 in the Koch Lounge, first floor, Learned Hall. All meetings are open to the public.

Betty L. Rose
Executive Director

Doc. No. 027058

State of Kansas

Department of Transportation

Notice of Public Auction

The Kansas Secretary of Transportation will offer for sale at public auction at 11 a.m. October 29 at site the following building and land located in Geary County, Kansas, described as follows:

Kansas Department of Transportation shop site located at 1120 S. Madison St., Junction City, Kansas. The site includes 3.3 acres and two buildings. Buildings have the presence of nonfriable asbestos and lead-based paint. The site is currently zoned residential general. Multi-family residential zoning may be possible. A complete legal description and environmental assessment is available upon request.

Inspection of Property:

From 10 to 11 a.m. October 23 and 30 minutes prior to the sale.

Terms of Sale:

Certified check for 10 percent of the purchase price the day of the sale. The balance of the purchase price must be paid by certified check on or before November 29, 2001. If the balance of the purchase price is not paid on or before November 29, 2001, the 10 percent down payment will be forfeited to the seller. The appraised value is \$117,000, and the minimum acceptable bid is \$78,000.

The Kansas Department of Transportation ensures the acceptance of any bid pursuant to this notice will be without discrimination on the grounds of sex, race, color, religion, physical handicap or national origin.

The seller reserves the right to reject any and all bids and is not responsible for accidents. For additional infor-

mation, contact the Bureau of Right of Way at 1-877-461-6817.

E. Dean Carlson
Secretary of Transportation

Doc. No. 027064

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, 66612, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

Monday, October 1, 2001

04021

Department of Health and Environment—Gas Chromatograph/Mass Spectrometer System

04046

Department of Health and Environment—Amplified Assay for Chlamydia and Gonorrhea

Tuesday, October 2, 2001

04030

Department of Human Resources—Printer Supplies for IBM 3160 Printers

Wednesday, October 3, 2001

04025

Department of Transportation—Bituminous Plant Mix (Winfield)

04026

Department of Transportation—Asphalt Paving, Harper County

Wednesday, October 10, 2001

03993

Emporia State University—Furnish and Set Up Exercise Fitness Equipment

Thursday, October 11, 2001

A-9259

Department of Social and Rehabilitation Services—Toilet Remodeling, Rainbow Mental Health Facility, Kansas City

Thursday, October 18, 2001

A-9311

Kansas State University—KSDB Radio Station, Student Union

04033

Department of Health and Environment—Protocol for Determining Cost Benefit Ratio for Classifying Stream Segments

John T. Houlihan
Director of Purchases

Doc. No. 027073

State of Kansas

Attorney General

Opinion 2001-28

Minors—Kansas Code for Care of Children—Matters Prior to Filing Petition; Reporting of Certain Abuse of Neglect of Children; Reporting; Persons Reporting; Licensed Social Worker Employed by Law Firm.

Rules Relating to Discipline of Attorneys—Kansas Rules of Professional Conduct—Confidentiality of Information; Licensed Social Worker Employed by Law Firm. Phyllis Gilmore, Executive Director, Behavioral Sciences Regulatory Board, Topeka, July 3, 2001.

With limited exceptions, a lawyer has a duty to maintain confidentiality of information relating to representation of a client. A lawyer should give nonlawyer assistants appropriate instruction and supervision concerning the ethical aspect of their employment, particularly regarding the obligation not to disclose information relating to representation of the client. A licensed social worker has a duty to report suspected child abuse or neglect, and should comply with the requirements of the mandatory reporting law. A lawyer who employs or contracts with a social worker to assist in representation of a client should inform the client of these potentially conflicting duties and allow the client to decide whether to proceed with the use of a social worker in the case. Cited herein: K.S.A. 38-1521; 38-1522, as amended by 2001 SB 186, § 2; K.S.A. 2000 Supp. 65-6311; 65-6315; K.A.R. 102-1-7; Kan. Rules of Professional Conduct 1.6 and 5.3. CN

Opinion 2001-29

Mentally Ill, Incapacitated and Dependent Persons; Social Welfare—Adult Care Homes—Operation of Adult Care Home; Background Check of Employees.

Public Health—Home Health Agencies—Operation of Home Health Agency; Background Check of Employees. Clyde D. Graeber, Secretary, Kansas Department of Health and Environment, July 12, 2001.

The Kansas Department of Health and Environment (KDHE) may notify an operator of an adult care home or home health agency if a person's juvenile criminal history record information would or would not prohibit employment of that person under K.S.A. 39-970 or K.S.A. 2000 Supp. 65-5117, both as amended by L. 2001, Ch. 197, but may not release the specifics of such information. In addition to juvenile adjudication information, upon KDHE's written request for criminal history record information to conduct records checks of employees of adult care homes or home health agencies, the Kansas Bureau of Investigation may provide any conviction information in its possession that would be available to the public generally. KDHE must then provide such information, absent the juvenile adjudication information, to an operator of an adult care home or home health agency pursuant to K.S.A. 39-970 and K.S.A. 2000 Supp. 65-5117, as amended. An operator receiving such criminal history record information may release a copy of the information received from KDHE to another operator in accordance with subsections 1(j) and 2(j) of L. 2001, Ch. 197 without violating the confidentiality requirements of subsections 1(f)(5) and

2(f)(5). Cited herein: K.S.A. 38-1618; 39-970, as amended by L. 2001, Ch. 197, § 1; K.S.A. 2000 Supp. 65-5117, as amended by L. 2001, Ch. 197, § 2; K.A.R. 10-12-1. DMV

Opinion 2001-30

Agriculture—Environmental Remediation; Remediation Linked Deposit Loan Program; Remediation Reimbursement Program—Kansas Agricultural Remediation Board; Creation; Powers and Duties. Representative Melvin J. Neufeld, 115th District, Ingalls, July 26, 2001.

The Agricultural Remediation Board is a state agency for the purpose of promulgating rules and regulations to implement its legislative directive to administer, enforce or interpret the Agricultural and Specialty Chemical Remediation Act. Additionally, in order for the Board's standards and procedures to have the force and effect of law, they must be promulgated as regulations in accordance with the Rules and Regulations Filing Act, K.S.A. 77-415 *et seq.* Cited herein: K.S.A. 2000 Supp. 2-3701; 2-3703; 2-3704; 2-3708, as amended by L. 2001, Ch. 47, § 2; 2-3709; 2-3710; 2-3711; 2-3713 as amended by L. 2001, Ch. 47, § 1; K.S.A. 77-415; Kan. Const., Art. 2, § 1. GE

Opinion 2001-31

State Boards, Commissions and Authorities—Law Enforcement Training Center, Training Commission—Definitions; Certification Requirements for Certain State, County and City Employees. Ed H. Pavey, Director, Kansas Law Enforcement Training Center, Hutchinson, July 26, 2001.

An employee of a city, county or state law enforcement agency who is not authorized to perform law enforcement duties in that capacity does not fall within the definition of "police officer" or "law enforcement officer" under the Kansas Law Enforcement Training Act when that employee works as a volunteer for the same agency during the employee's off-duty hours as a reserve police or law enforcement officer, and in the employee's volunteer capacity works to prevent or detect crime and enforce criminal or traffic laws. Whether certain acts by a person employed by a city or county solely to perform correctional duties related to jail inmates and the administration and operation of a jail fall within the correctional duties exemption provided by K.S.A. 2000 Supp. 74-5602(e) depends on the specific facts surrounding those acts. The conclusions stated in Attorney General Opinion No. 79-104 are affirmed. Cited herein: K.S.A. 2000 Supp. 74-5602, as amended by 2001 SB 205, § 13; K.S.A. 75-5202; L. 1985, Ch. 258, § 1; L. 1982, Ch. 322, § 2; L. 1973, Ch. 331, § 1. DMV

Opinion 2001-32

Schools—Suspension and Expulsion of Pupils—Who May Suspend or Expel; Notice; Hearings, Opportunity Afforded, Waiver, Time, Who May Conduct; Procedural Due Process Requirements; Notice of Hearing Results; Appeal to Board of Education; Hearing Officers.

Schools—Weapon-Free Schools—Policies Requiring Expulsion of Pupils for Possession of Weapons, Adop-

tion, Filing; Hearings; Modification of Requirement Authorized. Jeffrey L. Griffith, Legal Counsel, Unified School District No. 260, July 26, 2001.

Subsection (e) of K.S.A. 2000 Supp. 72-89a02 allows the superintendent of a public school to deviate from the expulsion requirement of a unified school district's weapon-free schools policy when federal law mandates other types of actions be taken before the pupil is subjected to expulsion for violating the policy. The provision does not conflict with the hearing procedure set forth in K.S.A. 2000 Supp. 72-8901 *et seq.*, but rather is an additional step in the hearing process. A pupil retains the right to appeal to the board of education the expulsion imposed by the hearing officer or committee appointed by the board of education to conduct hearings regarding alleged violations of the school district's weapon-free schools policy. Cited herein: K.S.A. 2000 Supp. 72-8901; 72-8902; 72-8903; 72-8904; 72-89a01, as amended by L. 2001, Ch. 119, § 3; 72-89a02; 20 U.S.C.A. §§ 1400, 1415, 1485, 8921; 29 U.S.C.A. § 794. RDS

Opinion 2001-33

Public Records, Documents and Information—Records Open to Public—Inspection of Records; Certain Records Not Required to be Open; Invasion of Personal Privacy. F. William Cullins, Montgomery County Attorney, Independence, July 26, 2001.

Records may only be closed under the Kansas Open Records Act exception for a "clearly unwarranted invasion of personal privacy" when release would be highly offensive, reveal intimate details of personal life, or present an unusual danger. In instances in which there is no other statutory authority to close names and addresses, they are presumed open, absent special circumstances. Cited herein: K.S.A. 21-3914; 45-216; 45-221, as amended by L. 2001, Ch. 211, § 13. SP

Opinion 2001-34

Automobiles and Other Vehicles—Drivers' Licenses; Motor Vehicle Drivers' License Act—Persons to Whom License Not Issued; Exceptions; Restricted Licenses, Conditions and Requirements.

Automobiles and Other Vehicles—Drivers' Licenses; Miscellaneous Provisions—Farm Permit; Requirements; Procedure. Steve W. Hirsch, Decatur County Attorney, Oberlin, July 30, 2001.

Both K.S.A. 2000 Supp. 8-237 and 8-296 require that an adult supervise the driving of a person under the age of 16 who has a restricted license. Consistent with the Legislature's amendments in 1999 and the enforcing agency's interpretation, the term "adult" in the adult supervised driving requirement refers to a licensed person who is at least 18 years of age. Cited herein: K.S.A. 8-234; K.S.A. 2000 Supp. 8-235d; 8-237; 8-296. GE

Opinion 2001-35

Cities and Municipalities—Miscellaneous Provisions—Investment of Public Moneys by Governmental Subdivisions, Effect of Loss of Kansas Bank Charter. Tim

Shallenburger, State Treasurer, Topeka, August 27, 2001.

A local governmental entity that holds a certificate of deposit issued by Firststar Bank prior to Firststar Bank's loss of eligibility as a public depository may continue to hold the certificate until the certificate matures, at which time the local governmental entity must remove the funds and place them with an eligible public depository. Cited herein: K.S.A. 2000 Supp. 12-1675; 12-1675a; L. 1982, Ch. 52, § 6; L. 1975, Ch. 68, § 1; L. 1975, Ch. 44, § 16; L. 1973, Ch. 63, § 6; L. 1969, Ch. 80, § 1; L. 1968, Ch. 217, § 1; 12 U.S.C. §§ 36, 81. MF

Opinion 2001-36

State Boards, Commissions and Authorities—Behavioral Sciences Regulatory Board—Powers, Duties and Functions of Board; Subpoena Powers.

State Boards, Commissions and Authorities—Regulation of Psychologists—Privileged Communications; Exceptions. Phyllis Gilmore, Executive Director, Behavioral Sciences Regulatory Board, Topeka, August 27, 2001.

The Behavioral Sciences Regulatory Board's investigative subpoena power comports with established principles of law as determined by the Kansas Supreme Court. Initially, authority to issue any investigative subpoena is triggered only by board receipt of a written complaint or other reasonably reliable written information. The statute authorizing the board to issue an investigative subpoena then limits the board to seeking documents that relate to practices which may be grounds for disciplinary action, *i.e.*, an inquiry that the board is authorized to make. Further, any documents sought must be described with sufficient particularity and must be reasonably relevant to the allegation that is the subject matter of the investigation.

Through its 2001 amendments to the board's subpoena authority statute, the Kansas Legislature affirmed the overriding value of protecting the public from "unscrupulous, immoral or incompetent" psychologists by explicitly providing the board with investigative subpoena authority that overrides a client's interest in the confidentiality of records maintained by a psychologist. This was accomplished in a manner that would, however, protect the records from further disclosure absent narrowly defined exceptions.

In response to specific questions posed:

(a) Assuming statutory requirements regarding grounds for disciplinary action, relevancy and particularity are met, the board is authorized to issue an investigative subpoena for psychological records (1) of a client that are maintained by a psychologist who is *not* the subject of a board investigation and (2) of a psychologist's client when that psychologist is under investigation in relation to a different client. A psychologist is not required to obtain a client's written, informed consent prior to disclosing client records in response to a board-issued investigative subpoena.

(b) Assuming that the board makes the appropriate application before a court of competent jurisdiction for a

(continued)

disclosure order, the court finds good cause for such an order, and a board-issued subpoena complies with statutory requirements regarding grounds for disciplinary action, relevancy and particularity, the board would be able to access drug or alcohol abuse patient records maintained in a federally assisted drug or alcohol abuse program.

(c) Assuming that the board complies with requirements specified in the federal Standards for Privacy in relation to administrative proceedings regarding notice and an attempt to secure a qualified protective order and a board-issued subpoena complies with statutory requirements regarding grounds for disciplinary action, relevancy and particularity, the board would be able to access health information records, including psychotherapy notes, concerning an individual that are maintained by a health care provider, such as a psychologist. Cited herein: K.S.A. 60-426; 65-2839a; K.S.A. 2000 Supp. 65-5810; 65-6315; K.S.A. 74-5301; K.S.A. 2000 Supp. 74-5323; K.S.A. 74-5324; K.S.A. 2000 Supp. 74-5372; K.S.A. 74-7508, as amended by L. 2001, Ch. 154, § 1; K.A.R. 102-1-10; Kan. S.Ct. Rules 1.6; 205; 216; 42 U.S.C. 290ee-3; 42 C.F.R. Part 2; 42 C.F.R. §§ 2.13; 2.3; 2.31; 2.51; 2.61; 2.64; 2.66; 160; 160.103; 160.104; 164; 164.501; 164.502; 164.508; 164.512. CN

Opinion 2001-37

Taxation—Kansas Retailers' Sales Tax—Retailers' Sales Tax Imposed; Rate; Exempt Sales.

Water and Watercourses—Clean Drinking Water Fee—Water Sales Subject to Tax or Fee. Representative Tom Sloan, 45th District, Lawrence, August 27, 2001.

House Substitute for Senate Bill No. 332 (SB 332), enacted by the Legislature during the 2001 session, provides municipal and public water supply systems, such as a groundwater management district, a rural water district or a water supply district, a one-time irrevocable choice: either to pay a new clean drinking water flat fee on water sales, or "opt out" of the new fee and continue to pay state sales tax on their purchase of tangible personal property and services. The choice between the fee or the sales tax must be made by October 1, 2001, by notifying the Kansas Department of Revenue and the Kansas Water Office. If an election has not been made by October 1, 2001, the clean drinking water fee will automatically be assessed. Additionally, SB 332 prevents municipalities and public water supply systems from prohibiting the installation of a separation water meter for each dwelling unit in a building containing multiple dwelling units and the bill provides an exemption from sales tax on connection and reconnection fees, benefit unit fees, and system enhancement fees or similar fees collected by a water supplier as a condition for establishing service. Cited herein: K.S.A. 2000 Supp. 79-3603, as amended by L. 2001, Ch. 199, § 2; 79-3606, as amended by L. 2001, Ch. 199, § 3; L. 2001, Ch. 199, § 4 (to be codified at K.S.A. 2001 Supp. 82a-2201). GE

Opinion 2001-38

Cities and Municipalities—Public Recreation and Playgrounds—Recreation Commission; Powers of Recrea-

tion Commission; Annual Budget; General Fund Budget; Capital Improvement Fund; Acquisition of Real Property. John J. Vratil, Legal Counsel, Unified School District No. 229, Overland Park; Stephen T. Adams, Legal Counsel, Blue Valley Recreation Commission, Overland Park, August 27, 2001.

The conclusions expressed in Attorney General Opinion No. 2001-1 are based on a reading of K.S.A. 2000 Supp. 12-1928 and 12-1935 together and are not intended to apply to any recreation commission other than the Blue Valley Recreation Commission (Blue Valley). We continue to believe that, while the Legislature has authorized Blue Valley to purchase real property, expenditures for such may be made only from Blue Valley's capital improvement fund, establishment of which is subject to voter approval. The one-mill levy assessed for the capital improvement fund is in addition to the four mills that may be levied pursuant to K.S.A. 2000 Supp. 12-1927. Costs of projects previously payable from monies in Blue Valley's general fund, but which are listed among the types of projects payable from the capital improvement fund, may be paid from monies in either the general fund or the capital improvement fund. Any language in Attorney General Opinion No. 2001-1 indicating a different conclusion is hereby withdrawn. Cited herein: K.S.A. 12-1922; K.S.A. 2000 Supp. 12-1927; 12-1928; 12-1935; L. 1994, Ch. 150, §§ 3, 4; 2001 HB No. 2408. RDS

Opinion 2001-39

Automobiles and Other Vehicles—General Provisions; Registration of Vehicles—Definitions; Motor Scooters.

Automobiles and Other Vehicles—Drivers' Licenses; Motor Vehicle Drivers' License Act—Licenses Required; Motor Scooters. Gayle B. Larkin, Eudora Municipal Prosecutor, Eudora, August 27, 2001.

Motor scooters that are self-propelled and operated on the highways of this state are required to be registered pursuant to the Vehicle Registration Act. Any person who operates a self-propelled motor scooter on the highways of this state must have a valid driver's license. Any person under 18 years of age who operates or rides upon a motorcycle or motorized bicycle is required to wear a safety helmet in compliance with K.S.A. 2000 Supp. 8-1598. Cited herein: K.S.A. 2000 Supp. 8-126; K.S.A. 8-127; K.S.A. 2000 Supp. 8-128; 8-235; K.S.A. 8-236; 8-237; K.S.A. 2000 Supp. 8-1598. JLM

Opinion 2001-40

State Departments; Public Officers and Employees—State Historical Society; Powers and Duties; Acquisition of Real Property. Dr. Ramon Powers, Executive Director, Kansas State Historical Society, Topeka, August 27, 2001.

The Kansas State Historical Society (KSHS) is permitted by L. 2001, Ch. 113 to acquire the William Allen White House without going through the petition process set forth in K.S.A. 75-2726. The KSHS is not permitted to expend state funds to operate or make capital improvements on the property. Cited herein: K.S.A. 75-2726; L. 2001, Ch. 113. SP

Carla J. Stovall
Attorney General

Doc. No. 027036

State of Kansas

**Attorney General
Crime Victims' Rights Division****Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 9 a.m. Tuesday, December 4, in the second floor conference room of Memorial Hall, 120 S.W. 10th Ave., Topeka, to consider the revocation of administrative regulations pertaining to the Crime Victims Assistance Fund and the Protection From Abuse Act.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the office of the Attorney General, Crime Victims' Rights Division, 2nd Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, 66612-1597. All interested parties will be given a reasonable opportunity to present their views orally on the revocation of the regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Cassie Douglas at (785) 291-3690 or TTY 1-800-766-3777. Handicapped parking is located in the alley running along the east side of Memorial Hall. The south entrance to the building is accessible to individuals with disabilities.

These regulations are proposed for revocation on a permanent basis. A summary of the proposed revocations and their economic impact follows.

K.A.R. 16-7-1 through 16-7-9 establish application deadlines, application requirements, application review criteria, notification of decision requirements, funding limits, limitations of use of funds and requirements of the grant review committee for the Crime Victims' Assistance Fund (CVAF).

The regulations were approved in 1989 and have never been updated. All of the pertinent information has long since been incorporated in the policies and procedures of the Crime Victims' Rights Division of the Attorney General's Office, which distributes the grant funds. The regulations are not required, are no longer necessary, and serve as a hindrance to the development of new and innovative grant distribution procedures. The regulations are not mandated by federal law; therefore, the regulation does not exceed the requirements of federal law. There is no significant impact to state agencies, employees, subgrantees or the general public.

K.A.R. 20-8-1 through 20-8-4, 20-10-1, 20-10-2, 20-11-1, 20-11-2, 20-13-2 and 20-13-3 state the general requirements, staff qualifications, program requirements, application deadlines, application requirements, grant review, notification of decision, annual reports and funding limits for the Protection From Abuse (PFA) Fund.

The PFA fund is authorized by K.S.A. 74-7325 (2000 Supp.) and most of the requirements regarding eligibility are contained within the statute itself. The regulations associated with the statute were approved in 1984 and have not been updated since 1986. The regulations do not reflect the fact that the PFA fund is no longer administered by the Crime Victims' Compensation Board. The terminology used in the regulations is outdated and no longer reflects the policies and procedures utilized to administer the fund. The regulations are not required, are no longer necessary, and serve as a hindrance to the development of new and innovative grant distribution procedures. The regulations are not mandated by federal law; therefore, the regulation does not exceed the requirements of federal law. There is no significant impact to state agencies, employees, subgrantees or the general public.

Copies of the regulations and their economic impact statements may be obtained from the office of the Attorney General, Crime Victims' Rights Division, at the address above, 1-800-828-9745.

Carla J. Stovall
Attorney General

Doc. No. 027063

State of Kansas

State Bank Commissioner**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Tuesday, November 20, in the conference room of the Office of the State Bank Commissioner, Suite 300, 700 S.W. Jackson, Topeka, to consider the adoption of revised Kansas Administrative Regulation 17-24-2. The regulation proposed is for adoption on a permanent basis.

K.A.R. 17-24-2 will establish fees associated with the licensing of mortgage company branch offices, as well as the registration of individuals engaged in mortgage business in the State of Kansas as loan originators. Currently, K.A.R. 17-24-2 only establishes the fees associated with an application for, or renewal of, a mortgage business certificate of registration. The Kansas Legislature recently passed House Bill 2481, which made substantial changes to the Kansas Mortgage Business Act (K.S.A. 9-2201 et seq.). On November 1, 2001, when such statutory changes take effect, a separate license will be required for every mortgage business location, including branch offices.

Additionally, any individual engaged in the business of originating mortgage loans will have to be registered with the Office of the State Bank Commissioner (OSBC). The proposed changes to K.A.R. 17-24-2 are necessary to allow the OSBC to recoup the actual costs associated with increased regulatory oversight and the administration of the Kansas Mortgage Business Act's expanded licensing structure. The OSBC currently has approximately 353 entities registered as mortgage companies. Beginning November 1, 2001, the OSBC estimates that it will be required to license an additional 800 branch office locations and register approximately 4,000 loan originators. The revisions made to K.A.R. 17-24-2 are necessary to finance

(continued)

the OSBC's increased statutorily defined responsibilities under Kansas law.

Since 1996, when the OSBC assumed regulatory authority over persons engaged in mortgage business in Kansas, the industry has grown dramatically. The OSBC has analyzed the current fixed labor costs and other costs of regulating mortgage business activity in Kansas and has estimated that it will cost an additional \$275,000 per year to fully implement the expanded licensing structure and increased oversight responsibilities contemplated by 2001 House Bill 2481. That figure includes, but is not limited to, costs for additional financial examiners and administrative personnel; application processing costs, criminal background and credit report checks; employee training costs; and licensee examinations and enforcement actions, trade group memberships, postage expenses, phone expenses, office overhead and other office supply expenses. The increased costs to the OSBC will be recouped from the mortgage business industry through the fees established by K.A.R. 17-24-2. The OSBC estimates that it will be required to license an additional 800 loan originators. Based on the fees established by revised K.A.R. 17-24-2, an additional \$366,400 in fee income will be generated during the first year and \$274,627 per year thereafter. The fee income from loan originator registrations will decrease by about 33 percent (\$91,773) after the first year because of the reduced renewal fee of only \$50.

A copy of the proposed regulation and the economic impact statement may be obtained by contacting Robert D. Eskildsen, Staff Attorney, Office of the State Bank Commissioner, 700 S.W. Jackson, Suite 300, Topeka, 66603, (785) 296-2266. The standard departmental cost will be assessed for any copies requested.

This 60-day notice of hearing shall constitute a public comment period for the purpose of receiving public comments on the proposed regulation. Written comments should be submitted prior to the hearing to Franklin W. Nelson, State Bank Commissioner, at the address listed above. Interested persons will be given reasonable opportunity at the hearing to present their views and arguments on the adoption of the proposed regulation. However, presentations should be in writing whenever possible.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days before the hearing by contacting Robert D. Eskildsen at (785) 296-2266, fax (785) 296-0168.

Franklin W. Nelson
State Bank Commissioner

Doc. No. 027072

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 43,000 cubic yard detention dam, Site 38 in Pottawatomie County, will be received by the Rock Creek Watershed District No. 45 at King Engineering, Inc., 307 Montana Ave., Holton, 66436-1127, (785) 364-4312, until 4 p.m. October 2, or hand carried and submitted prior to bid opening. Bids will be opened at 7:30 p.m. October 2 at the USDA Service Center, 501 State St., Westmoreland, (785) 457-3398. A copy of the invitation for bids and the plans and specifications can be reviewed at and/or obtained from the King Engineering, Inc. office. A \$25 nonrefundable deposit will be required for each set of plans requested.

Tracy D. Streeter
Executive Director

Doc. No. 027060

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared and/or permit applications have been received for discharges to the waters of the United States and the State of Kansas for the class of discharges described below.

The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a State Water Pollution Control Permit and National Pollutant Discharge Elimination System Authorization subject to certain conditions.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

Public Notice No. KS-AG-01-319/323

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Camp Creek Feedlot c/o Bill Panbacker 2109 18th Road Washington, KS 66968	SE/4 & SW/4 of Section 10, T3S, R3E, Washington County	Big Blue River Basin

Kansas Permit No. A-BBWS-B011

This is a permit renewal for an existing facility for 950 head (950 animal units) of cattle.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
L. & S Swine c/o Lester and Steve Luthi 1178 Navajo Road Clay Center, KS 67423	NE/4 of Section 7, NW/4 of Section 8, T9S, R3E, Clay County	Lower Republican River Basin

Kansas Permit No. A-LRCY-S017

This is a permit renewal for an existing facility for a maximum of 100 head [100 animal units (a.u.)] of beef weighing over 700 pounds, 100 head (50 a.u.) of beef weighing under 700 pounds, 1,760 head (743.2 a.u.) of swine weighing over 55 pounds and 920 head (92 a.u.) of swine weighing under 55 pounds, for a total of 2,558 head (985.2 a.u.) of cattle and swine.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Winger Feed Yard, Inc. 6372 N. Road H Johnson City, KS 67855	NE/4 & SE/4 of Section 27, T27S, R40W, Stanton County	Cimarron River Basin

Kansas Permit No. A-CIST-C006 Federal Permit No. KS0096571

This is a new permit for expansion of an existing facility from 12,000 head (12,000 animal units) of cattle to 18,000 head (18,000 animal units) of cattle.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: Permeability tests shall be conducted on the earthen wastewater retention structure(s). Should any structure not meet the permeability requirements, additional sealing will be required. Dewatering equipment shall be obtained within four months after issuance of the permit. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Bedwell Feeders c/o Thomas W. Bedwell 5502 N.W. Reutlinger Medicine Lodge, KS 67104	NE/4 of Section 6, T32S, R12W, Barber County	Lower Arkansas River Basin

Kansas Permit No. A-ARBA-C001 Federal Permit No. KS0092436

This is a permit renewal for an existing facility for 1,000 head (500 animal units) of cattle.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Hachmeister Cattle Co. 3080 Hwy. 18 Natomia, KS 67651	SE/4 of Section 12, T10S, R16W, Rooks County	Saline River Basin

Kansas Permit No. A-SARO-C001 Federal Permit No. KS0115371

This is a renewal permit for an existing facility for 4,999 head (4,999 animal units) of cattle weighing greater than 700 pounds each.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan approved by the department shall be adhered to as a condition of the permit.

Public Notice No. KS-01-134/136

Name and Address of Applicant	Waterway	Type of Discharge
Arma, City of 701 E. Washington P.O. Box 829 Arma, KS 66712-0829	Spring River via Various Tributaries	Treated Domestic Wastewater

Kansas Permit No. M-NE03-0001 Federal Permit No. KS0045926

Legal: NE¼, S7, T29S, R25E, Crawford County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform also will be required. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Junction City, City of P.O. Box 287 Junction City, KS 66441	Smoky Hill River	Treated Domestic Wastewater

Facility Name: Southwest Wastewater Treatment Facility

Kansas Permit No. M-SH45-0002 Federal Permit No. KS0092151

Legal: NE¼, S27, T12S, R5E, Geary County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating mixed domestic/industrial wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform, oil and grease, whole effluent toxicity and pH. Monitoring for chlorides, sulfate, total phosphorus, nitrate, nitrite, total Kjeldahl nitrogen effluent flow and priority pollutants also will be required. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Tribune, City of P.O. Box 577 Tribune, KS 67879	White Woman Creek	Treated Domestic Wastewater

Kansas Permit No. M-UA41-0001 Federal Permit No. KS0085642

Legal: NW¼, S21, T18S, R40W, Greeley County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Public Notice No. KS-ND-01-015/18

Name and Address of Applicant	Legal Location	Type of Discharge
Harold Torrance Trust 11238 113 Road Dodge City, KS 67801	NW¼ S5, T27S, R24W, Ford County	Nonoverflow

Kansas Permit No. C-UA11-ND02

Facility Name: Green Acres Mobile Home Park

(continued)

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. This facility is a three-cell wastewater stabilization lagoon system. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with its NPDES permit. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Legal Location	Type of Discharge
Kansas Department of Transportation Bureau of Design Docking State Office Building Topeka, KS 66612-1568	N½ NE¼ SW¼ and NW¼ NW¼ SE¼ S28, T24S, R1E, Harvey County	Nonoverflow

Facility Name: Harvey County Rest Stop I-135 (South and North)

Kansas Permit No. M-LA13-NR01

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The permit is for two two-cell wastewater stabilization lagoon systems. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with its NPDES permit. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Legal Location	Type of Discharge
Ozawkie, City of P.O. Box 120 Ozawkie, KS 66070	SE¼ S9, T10S, R18E, Jefferson County	Nonoverflow

Kansas Permit No. M-KS56-NO01

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The facility is a two-cell wastewater stabilization lagoon system. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with its NPDES permit. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Legal Location	Type of Discharge
Wellington, City of 317 S. Washington Wellington, KS 67152	S18, T32S, R1E, Sumner County	Nonoverflow

Facility Name: Gas Turbine Generator Plant

Kansas Permit No. I-AR92-NP01

Facility Description: The proposed action is to modify and reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily process wastewater. This is a periodically operating gas turbine electric generation facility, that discharges regeneration wastewater from a demineralization treatment operation. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with its NPDES permit. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or

objections considered in the decision making process. Comments or objections should be submitted to the attention of Shonda Domme for agricultural permits or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620.

All comments regarding the draft permit or application notice postmarked or received on or before October 20 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-01-319/323, KS-01-134/136, KS-ND-01-015/18) and name of applicant/application as listed when preparing comments.

If no objections are received during the public notice period regarding any proposed permit, the Secretary of Health and Environment will issue the final determination regarding issuance or denial of the proposed permit. If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

For agricultural permits and applications, a copy of the permit application, supporting documentation and a KDHE-developed fact sheet, if appropriate, is available for review at the appropriate district office:

Northwest District Office, 2301 E. 13th,
Hays, 67601-2651, (785) 625-5664
North Central District Office, 2501 Market Place,
Salina, 67401-7699, (785) 827-9639
Northeast District Office, 800 W. 24th,
Lawrence, 66046-4417, (785) 842-4600
Southwest District Office, 302 W. McArtor Road,
Dodge City, 67801-6098, (316) 225-0596
South Central District Office, 130 S. Market, 6th Floor,
Wichita, 67202-3802, (316) 337-6020
Southeast District Office, 1500 W. 7th,
Chanute, 66720, (316) 431-2390

Application information and components of plans and specifications for all new facilities and for expansions of existing swine facilities may be reviewed on the Internet at <http://www.kdhe.state.ks.us/feedlots/stindex.html>.

For all other proposed permits, the draft permit(s), including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received and other information, are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water.

Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 027067

State of Kansas

Pooled Money Investment Board**Notice of Investment Rates**

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 2000 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Effective 9-17-01 through 9-23-01

Term	Rate
1-89 days	3.40%
3 months	3.14%
6 months	3.18%
1 year	3.23%
18 months	3.42%
2 years	3.51%

Derl S. Treff
Director of Investments

Doc. No. 027057

State of Kansas

**Department of Health
and Environment****Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. The Marley Cooling Tower Company has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 for a PVC bonding operation that replaces an existing spray/layup operation. Emissions of volatile organic compounds (VOCs) were evaluated during the permit review process.

The Marley Cooling Tower Company, Overland Park, owns and operates the stationary source located at Marley and Lone Elm Roads, Olathe, Johnson County, at which a PVC bonding operation replaces an existing spray/layup operation.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, and at the Johnson County Environmental Department, 11180 Thompson Ave., Lenexa. To obtain or review the proposed permit and supporting documentation, contact Amer Safadi, (785) 296-1993, at the KDHE central office, or Mike Boothe, (913) 492-0402, at the Johnson County Environmental Department. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Amer Safadi, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business October 22.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business October 22 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 027066

State of Kansas

**Department of Health
and Environment****Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Savage Pipeline, LLC has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 for a natural gas compressor station. Emissions of oxides of nitrogen (NOx), carbon monoxide (CO) and volatile organic compounds (VOCs) were evaluated during the permit review process.

Savage Pipeline, LLC, Piqua, owns and operates the stationary source located at Section 18, Township 30, Range 17 East, Wilson County, at which the natural gas compressor station is to be constructed.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, and at the KDHE Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact Michael Stewart, (785) 296-1994, at the KDHE central office, or Lynelle Stranghoner, (620) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael Stewart, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business October 22.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business October 22 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 027068

State of Kansas

Commission on Veterans' Affairs

Notice of Meeting

The Kansas Commission on Veterans' Affairs will meet at 1 p.m. Friday, September 21, at the Western Cooperative Electric Commission Center, 635 S. 13th, WaKeeney. The public is invited to attend. For further information, call (785) 296-3976.

Stoney Wages
Executive Director

Doc. No. 027061

State of Kansas

State Historical Society

Temporary Administrative
RegulationsArticle 5.—STATE REHABILITATION
TAX CREDIT PROGRAM

118-5-1. **Definitions.** For the purposes of this article, these terms shall have the following meanings. (a) "Certification" means the process whereby the reviewing entity determines that a historic structure is a qualified historic structure or that a rehabilitation plan is a qualified rehabilitation plan, or both.

(b) "Qualified expenditures" means any of the following:

(1) For rehabilitation of income-producing properties that qualify for the federal rehabilitation tax credit program, the costs and expenses incurred by a qualified taxpayer, as defined in L. 2001, ch. 108, sec. 1 and amendments thereto, in the restoration and preservation of a qualified historic structure pursuant to a qualified rehabilitation plan, which are defined as qualified rehabilitation expenditures by section 47(c)(2) of the federal internal revenue code as in effect July 1, 2001, and hereby adopted by reference;

(2) for rehabilitation of income-producing properties that do not qualify for the federal rehabilitation tax credit program, the costs and expenses incurred by a qualified taxpayer in the restoration and preservation of a qualified historic structure pursuant to a qualified rehabilitation plan. These expenses shall be deemed to have been incurred when the project is certified by the reviewing entity as a completed qualified rehabilitation; or

(3) for non-income-producing properties, the costs and expenses incurred by a qualified taxpayer in the restoration and preservation of a qualified historic structure pursuant to a qualified rehabilitation plan. These expenses shall be deemed to have been incurred when the project is certified by the reviewing entity as a completed qualified rehabilitation.

(c) "Reviewing entity" means the state historic preservation officer or the local government official who signs an agreement with the state historic preservation office to carry out review procedures. (Authorized by and implementing L. 2001, ch. 108, sec. 1; effective, T-118-9-5-01, Sept. 5, 2001.)

118-5-2. **Authorizing a local government as a reviewing entity.** An agreement authorizing a city or county to make recommendations and to carry out review procedures under the state rehabilitation tax credit program may be entered into by the state historic preservation officer if the state historic preservation officer determines that the city or county has enacted a comprehensive local historic preservation ordinance, established a local historic preservation board or commission, and is actively engaged in a local historic preservation program. The agreement shall specify the authority delegated to the city or county by the state historic preservation officer, the requirements for those performing the responsibilities, and the manner in which the city or county will report its decisions to the state historic preservation officer. (Authorized by and implementing L. 2001, ch. 108, sec. 1; effective, T-118-9-5-01, Sept. 5, 2001.)

118-5-3. **Certifications.** (a) Before a rehabilitation plan may be certified by the reviewing entity as a qualified rehabilitation plan, the structure shall be certified as a qualified historic structure. Except as otherwise specified in these regulations, part 1 of the rehabilitation certification application shall be used by the reviewing entity to determine whether a structure can be certified as a qualified historic structure.

(b) A qualified rehabilitation plan shall mean a plan that complies with the secretary of the interior's standards for rehabilitation, 36 C.F.R. Part 67, revised 1990, which is hereby adopted by reference except for 36 C.F.R. 67.7(b)(8). Except as otherwise specified in these regulations, part 2 of the rehabilitation certification application shall be used by the reviewing entity to determine whether the plan for a proposed project involving a qualified historic structure constitutes a qualified rehabilitation plan. Part 3 of the rehabilitation certification application shall be used by the reviewing entity to determine whether the applicant completed the rehabilitation as presented in part 2 of the application, which shall have been previously approved. (Authorized by and implementing L. 2001, ch. 108, sec. 1; effective, T-118-9-5-01, Sept. 5, 2001.)

118-5-4. **Application.** (a) Applicant criteria.

(1) Each applicant seeking the state tax credit but not the federal rehabilitation tax credit shall be the owner of the property.

(2) Each applicant seeking both the federal and state credits shall be either the owner or long-term lessee of the property in question. Lessee expenditures shall qualify if the term of the lease is more than the recovery period of the building for depreciation as set forth in IRS regulation 26 C.F.R. 1.48-12(c)(7)(v), as in effect July 1, 2001, and hereby adopted by reference.

(b) Application procedure.

(1) Each application shall be made on forms available from the reviewing entity according to instructions accompanying the application.

(2) Each request for certification shall be sent to the reviewing entity.

(3) Only complete applications shall be reviewed by the reviewing entity.

(4) The review of each submission of a rehabilitation certification application shall be concluded within 30 calendar days of receipt of each complete, adequately documented application. If adequate documentation is not provided, the applicant shall be notified of the additional information needed to undertake or complete the review.

(c) Application, part 1.

(1) Except as specified in K.A.R. 118-5-5(b), to submit a request for certification of a structure as a qualified historic structure, each applicant shall complete part 1 of the rehabilitation certification application provided by the reviewing entity, according to the instructions accompanying the application. The applicant shall submit the application to the reviewing entity.

(2) Part 1 of the rehabilitation certification application may be submitted before submitting part 2 or at the same time as submitting part 2 of the application. However, certification of the qualified historic structure shall be required before certification of the qualified rehabilitation plan.

(d) Application, part 2.

(1) Except as specified in K.A.R. 118-5-7(a)(2), to submit a request for certification of a qualified rehabilitation plan, each applicant shall complete part 2 of the rehabilitation certification application, on a form provided by the reviewing entity and according to the instructions accompanying the application. The applicant shall submit the application to the reviewing entity.

(2) Part 2 of the rehabilitation certification application may be submitted when the applicant submits part 1 of the application. However, certification of the qualified historic structure shall be required before certification of the qualified rehabilitation plan.

(3) Before part 2 is reviewed, the applicant shall submit a fee to the reviewing entity, as specified in K.A.R. 118-5-10.

(4) Each applicant seeking the state tax credit but not the federal rehabilitation tax credit shall submit part 2 of the application and receive the approval of the reviewing entity or state historic preservation office before commencing work.

(5) Each applicant seeking both the federal and state credit shall comply with the requirements set forth in IRS regulations 26 C.F.R. 1.48-12(d)(1) and 1.48-12(d)(7), and 26 C.F.R. Parts 1 and 602, as in effect July 1, 2001, and hereby adopted by reference.

(e) Application procedure, part 3.

(1) Each applicant shall complete part 3 of the rehabilitation certification application.

(2) The tax credit shall not be claimed until the project has been certified as having been completed according to the qualified rehabilitation plan certified by the reviewing entity. To request final certification of a qualified rehabilitation plan, the applicant shall complete part 3 of the rehabilitation certification application, on a form provided by the reviewing entity and according to the instructions accompanying the application, and submit it to the reviewing entity.

(3) Part 3 shall not be submitted for review until the rehabilitation project detailed in part 2 is completed. (Authorized by and implementing L. 2001, ch. 108, sec. 1; effective, T-118-9-5-01, Sept. 5, 2001.)

118-5-5. Standards for certifying a qualified historic structure. The following standards for certifying a qualified historic structure shall be applied by the reviewing entity.

(a) Structures, both income-producing and non-income-producing, for which the federal rehabilitation tax credit is not sought but for which only the state tax credit is sought shall be listed on the national register of historic places or the register of Kansas historic places, or shall be certified as located in and contributing to a district listed on the national register of historic places or the register of Kansas historic places before commencing the project.

(b) Structures that are individually listed on the national register of historic places or the register of Kansas historic places shall be deemed already certified as qualified historic structures. An applicant whose structure is already listed on the register of Kansas historic places or national register of historic places shall not be required to complete part 1 of the application.

(c) An applicant who is also applying for the federal rehabilitation tax credit program shall not be required to complete part 1 of the application process for the state rehabilitation tax credit program.

(d) Structures located within districts listed on the register of Kansas historic places or the national register of historic places, both income-producing and non-income-producing, for which the federal rehabilitation tax credit is not sought but for which only state tax credit is sought shall be certified as qualified historic structures within historic districts as specified in K.A.R. 118-5-6. Each applicant for a project involving one of these structures shall be required to complete part 1 of the application for the state rehabilitation tax credit program. (Authorized by and implementing L. 2001, ch. 108, sec. 1; effective, T-118-9-5-01, Sept. 5, 2001.)

118-5-6. Standards for certifying a qualified historic structure within a historic district. Each structure for which certification is sought that is located within a district listed on the register of historic Kansas places or national register of historic places shall be reviewed by the reviewing entity to determine if the structure contributes to the historic significance of the district by applying the following standards for evaluating significance within a registered historic district:

(a) A structure contributing to the historic significance of a district shall be defined as one that by location, design, setting, materials, workmanship, feeling, and association adds to the district's sense of time and place, and historical development.

(b) A structure not contributing to the historic significance of a district shall be defined as either of the following:

(1) One that does not add to the district's sense of time and place, and historical development; or

(2) one in which the location, design, setting, materials, workmanship, feeling, and association have been so altered or are so deteriorated that the overall integrity of the building has been irretrievably lost.

(c) A structure that has been built within the past 50 years shall not be considered to contribute to the signifi-

(continued)

cance of a district unless a strong justification concerning the structure's historical or architectural merit is given or the historical attributes of the district are considered to be less than 50 years old.

(d) If a rehabilitation tax credit is sought, a certification of significance shall be made based on the appearance and condition of the property before the rehabilitation was begun.

(e) If a nonhistoric surface material obscures a facade, the applicant may be required to remove a portion of the surface material before requesting certification so that a determination of historic significance can be made. After the material has been removed, if the obscured facade has retained substantial historic integrity and the property otherwise contributes to the historic district, the structure shall be determined to be a qualified historic structure. (Authorized by and implementing L. 2001, ch. 108, sec. 1; effective, T-118-9-5-01, Sept. 5, 2001.)

118-5-7. Requirements for certifying a qualified rehabilitation plan. (a)(1) For projects on structures, both income-producing and non-income-producing, for which the federal rehabilitation tax credit is not sought but for which only the state tax credit is sought, a qualified rehabilitation plan shall be certified before the applicant commences work on the structure. The applicant shall submit part 2 of the application for the state rehabilitation tax credit.

(2) An applicant who submits part 2 of the federal historic preservation certification application shall not be required to submit part 2 of the application for the state rehabilitation tax credit program.

(b) The following requirements shall be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

(1) The structure shall be used for its historic purpose or shall be placed in a new use that requires minimal change to the defining characteristics of the structure and its site and environment.

(2) The historic character of the structure shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize the structure shall be avoided.

(3) Each structure shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historic development, including adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(4) Most structures change over time; however, those changes that have acquired historic significance in their own right shall be retained and preserved.

(5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the historic structure shall be preserved.

(6) Deteriorated historic features shall be repaired rather than replaced. If the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, if possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(7) Chemical or physical treatments, including sand-blasting, that cause damage to historic materials shall not

be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(8) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize a structure. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the structure and its environment.

(9) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic structure and its environment would be unimpaired.

(c) All elements of the rehabilitation project shall meet the secretary of the interior's nine standards for rehabilitation adopted by reference in K.A.R. 118-5-3 (b); portions of the rehabilitation project not in conformance with the standards shall not be exempted. An owner undertaking a rehabilitation project shall not be held responsible for prior rehabilitation work that is not part of the current project, or for rehabilitation work that was undertaken by previous owners or third parties.

(d) Conformance to the standards shall be determined on the basis of the application documentation and other available information by evaluating the structure as it existed before the commencement of the rehabilitation project, regardless of when the structure becomes a certified historic structure.

(e) If necessary documentation is not provided, review and evaluation shall not be completed, and a denial of certification shall be issued on the basis of lack of information. Because the circumstances of each rehabilitation project are unique to the particular historic structure, certifications that have been granted to other rehabilitation projects shall not be deemed relevant and shall not be relied on by applicants as relevant to other projects.

(f) A project shall not be certified as a qualified rehabilitation until the project is completed and so designated by the reviewing entity. A determination that the completed rehabilitation of a structure not yet designated a qualified historic structure meets the secretary's standards for rehabilitation shall not constitute a certification of rehabilitation.

(g) A rehabilitation project for certification purposes shall encompass all work on the interior and exterior of the qualified historic structure or structures and the site and environment, as well as related demolition, new construction, or rehabilitation work that may affect the historic qualities, integrity of the site, landscape features, and environment of the certified historic structure or structures.

(h) For rehabilitation projects involving more than one certified historic structure in which the structures are judged by the reviewing entity to have been functionally related historically to serve an overall purpose, including a mill complex or a residence and carriage house, rehabilitation certification shall be determined based on the merits of the overall project rather than for each structure or individual component. For rehabilitation projects in which there is no historic functional relationship between or among the structures, the certification decision shall be made for each separate certified historic structure regard-

less of how they are grouped for ownership or development purposes.

(i) Demolition of a structure as part of a rehabilitation project involving multiple structures may result in denial of certification of the rehabilitation plan. In projects in which there is no historic functional relationship between or among the structures being rehabilitated, related new construction that physically expands one certified historic structure undergoing rehabilitation and, therefore, directly causes the demolition of an adjacent structure shall result in denial of certification of the rehabilitation plan unless a determination has been made that the building to be demolished is not a certified historic structure. In rehabilitation projects in which the structures have been determined to be functionally related historically, demolition of a component may be approved if one of the following conditions is met:

(1) The component is outside the period of significance of the structure or district.

(2) The component is so deteriorated or altered that its integrity has been irretrievably lost.

(3) The component is a secondary one that is deemed to lack historic, engineering, or architectural significance or does not occupy a major portion of the site, and persuasive evidence is present to show that retention of the component is not technically or economically feasible.

(j) In situations involving rehabilitation of a certified historic structure in a historic district, the rehabilitation project shall be reviewed by the reviewing entity first as it affects the certified historic structure and second as it affects the district. A certification decision shall be made by the reviewing entity accordingly.

(k) Upon the reviewing entity's receipt of the complete application describing the rehabilitation project, a determination of whether the project is consistent with the standards for rehabilitation shall be made by the reviewing entity. If the project does not meet the standards for rehabilitation, the applicant shall be advised of that fact in writing and, if possible, shall be advised of necessary revisions to meet these standards.

(l) Once a proposed or ongoing project has been approved, the applicant shall promptly submit to the reviewing entity, in writing, any substantive changes to the rehabilitation plan that the applicant proposes to make. The applicant shall be notified by the reviewing entity, in writing, of whether the proposed changes to the rehabilitation plan may be certified.

(m) If a proposed, ongoing, or completed rehabilitation does not meet the standards for rehabilitation, an explanatory letter shall be sent to the applicant.

(n) Each applicant shall submit part 3 of the rehabilitation certification application for the state rehabilitation tax credit program as specified in K.A.R. 118-5-4. (Authorized by and implementing L. 2001, ch. 108, sec. 1; effective, T-118-9-5-01, Sept. 5, 2001.)

118-5-8. Rehabilitation project phases. (a) There shall be no phased projects under the state rehabilitation tax credit program. For purposes of the state rehabilitation tax credit program, each phase of a phased federal rehabilitation tax credit project shall be considered a separate project.

(b) A separate rehabilitation certification application shall be required for each phase of a project that is certi-

fied through the federal rehabilitation tax credit program as a phased project. The qualified rehabilitation expenditures for each phase shall equal or exceed \$5,000. (Authorized by and implementing L. 2001, ch. 108, sec. 1; effective, T-118-9-5-01, Sept. 5, 2001.)

118-5-9. Review. (a)(1) The owner, or duly authorized representative as appropriate, may appeal any denial of certification made according to this article. Each appeal shall be submitted in writing and received by the division director of the cultural resources division of the Kansas state historical society, within 30 days of the owner's receipt of the decision that is the subject of the appeal. The appellant may request an opportunity for a meeting to discuss the appeal, but all information that the appellant wishes the division director to consider shall be submitted in writing.

(2) The record of the decision in question, any further written submissions by the appellant, and other available information shall be considered by the division director. The appellant shall be provided with a written decision as promptly as circumstances permit.

(b) In considering each appeal, alleged errors in professional judgment or alleged prejudicial procedural errors by cultural resources division officials may be taken into account by the division director. The division director's decision shall consist of either of the following:

(1) A reversal of the appealed decision; or

(2) an affirmation of the appealed decision.

The division director's decision may be based in whole or part on matters or factors not discussed in the decision appealed. Authorization to issue the certifications specified in this article shall rest with the division director if the division director determines that the requested certification meets the applicable statutory standards set forth in this article. (Authorized by and implementing L. 2001, ch. 108, sec. 1; effective, T-118-9-5-01, Sept. 5, 2001.)

118-5-10. Fees. (a) The fees specified in subsection (b) shall be charged for reviewing rehabilitation certification applications.

(b) Payment shall not be made until requested by the reviewing entity. A certification decision shall not be issued on an application until the appropriate remittance is received. Each fee shall be nonrefundable.

Amount of qualified expenditures	Fee amount
\$5,000—\$25,000	\$100
\$25,001—\$50,000	\$200
\$50,001—\$100,000	\$350
\$100,001—\$500,000	\$500
\$500,001—\$1,000,000	\$750
over \$1,000,000	\$1,000

(c) Each rehabilitation of a separate qualified historic structure shall be considered a separate project for purposes of computing the fee. (Authorized by and implementing L. 2001, ch. 108, sec. 1; effective, T-118-9-5-01, Sept. 5, 2001.)

Ramon Powers
Executive Director

Doc. No. 027049

State of Kansas

Department on Aging

Temporary Administrative
RegulationsArticle 11.—KANSAS SENIOR PHARMACY
ASSISTANCE PROGRAM

26-11-1. **Eligibility.** There shall be hereby established a Kansas senior pharmacy assistance program.

(a) To be eligible to participate in the Kansas senior pharmacy assistance program, each individual shall meet the requirements of this regulation.

(b) Each individual shall meet the following requirements:

(1) The individual shall be a Kansas resident.

(2) The individual shall be at least 67 years of age on the final day of the application period.

(3) On August 16, 2001, the individual shall be a participant in the qualified Medicare beneficiary program or low income Medicare beneficiary program as determined by the Kansas department of social and rehabilitation services.

(c) The individual shall not be eligible if the individual is enrolled in any other local, state, or federal prescription program, or in a private prescription reimbursement plan.

(d) The individual shall not be eligible if within the last six months the individual has voluntarily canceled enrollment in any of the programs described above in subsection (c).

(e) This regulation shall be effective on and after October 1, 2001 through December 31, 2001. (Authorized by and implementing K.S.A. 2000 Supp. 75-5961; effective, T-26-9-5-01, Oct. 1, 2001.)

26-11-2. **Benefit limitations.** (a) The drug benefit shall be for costs incurred from January 1, 2001 through September 30, 2001.

(b) The drug benefit shall be limited to 70% of the individual's costs incurred for the drugs specified in subsection (c) and shall be limited to a maximum of \$1,200 per eligible individual.

(c) The drug benefit shall be limited to the costs for only the following drugs:

(1) Any legend prescription drug used to treat a chronic illness, which shall mean any drug taken regularly to treat an illness that persists over a long period of time; and

(2) insulin and those diabetic supplies not covered by Medicare.

(d) The drug benefit shall not apply toward the cost of any of the following drugs:

(1) Over-the-counter drugs;

(2) lifestyle drugs, including Viagra; or

(3) prescription drugs for acute illnesses.

(e) This regulation shall be effective on and after October 1, 2001 through December 31, 2001. (Authorized by and implementing K.S.A. 2000 Supp. 75-5961; effective, T-26-9-5-01, Oct. 1, 2001.)

Connie Hubbell
Secretary of Aging

Doc. No. 027047

State of Kansas

Agricultural Remediation Board

Temporary Administrative
RegulationsArticle 1.—KANSAS AGRICULTURE
REMEDATION REIMBURSEMENT PROGRAM

125-1-1. **Definitions.** These terms shall have the following meanings: (a) "Administrator" means the administrator of the Kansas agricultural remediation board.

(b) "Board" means the Kansas agricultural remediation board.

(c) "Incident" means a rupture, leak, spill, emission, discharge, disposal, or any other event that releases an agricultural or specialty chemical accidentally or otherwise into the environment. This term shall not include a release resulting from the normal use of a product or practice in accordance with the law.

(d) "Person" means an individual, firm, corporation, partnership, association, trust, or any other private organization or entity.

(e) "Responsible party" means a person who at the time of the incident has custody of, has control of, or is responsible for the agricultural or specialty chemical.

(f) "Site" shall include all contiguous land that is owned, leased, or controlled by the eligible person when the release occurs, and any other area affected by the release. (Authorized by and implementing K.S.A. 2000 Supp. 2-3710; effective, T-125-9-5-01, Sept. 5, 2001.)

125-1-2. **Application.** (a) Any eligible person who has incurred corrective action costs after July 1, 1997, may seek reimbursement of those corrective action costs from the board. The eligible person shall submit to the administrator a signed, written, complete application form. The application shall be on a form prescribed by the board. Information other than what is outlined on the form may be required by the board if the board determines that the information is necessary in order to make a decision regarding the application. Each application deemed to be incomplete by the board shall be returned to the applicant.

(b) Each claim for reimbursement of corrective action costs incurred before the effective date of this regulation shall be submitted within two years after September 1, 2001. Each claim for reimbursement of corrective action costs incurred after the effective date of this regulation shall be submitted within two years of incurring these costs. (Authorized by and implementing K.S.A. 2000 Supp. 2-3710; effective, T-125-9-5-01, Sept. 5, 2001.)

125-1-3. **Application process.** (a) Each completed application shall be eligible for review and possible funding for 12 months following the administrator's receipt of the completed application.

(b) Completed applications shall be reviewed by the board on a quarterly basis.

(c)(1) Except as specified in paragraph (c)(2) all completed applications shall be ranked by the board according to the risk to human health and the environment presented by the contaminants at each eligible site. The ranking system developed by the board shall be used to

rank each application in relation to other eligible applications to establish priorities and fund expenditures for reimbursement.

(2) Sites that are deemed by the board as requiring emergency action may be ranked. Emergency status may be established by the board under any of the following conditions:

(A) If a public water supply or one or more domestic wells are contaminated or are threatened with contamination levels above state or federal drinking water limits, and no alternative water source is readily available;

(B) if a surface water intake used for drinking water is contaminated above state or federal drinking water limits, and no alternative water source is readily available; or

(C) if a high probability exists for direct human exposure to or contact with highly contaminated waste, air, soil, or water.

(d) A letter shall be issued to the applicant by the board within 30 days following the board's decision, describing what costs have been approved or disapproved for reimbursement. (Authorized by and implementing K.S.A. 2000 Supp. 2-3710; effective, T-125-9-5-01, Sept. 5, 2001.)

125-1-4. Multiple eligible persons. If more than one eligible person incurs eligible corrective action costs for a single incident or for a single corrective action and desires reimbursement, each eligible person shall apply separately to the board. (Authorized by and implementing K.S.A. 2000 Supp. 2-3710; effective, T-125-9-5-01, Sept. 5, 2001.)

125-1-5. Appeal process. (a) Any person whose application for reimbursement of corrective action costs has been denied, either in part or in full, may make a written appeal to the board within 30 days after the date of the board's denial letter. A final order regarding the appeal shall be made by the board regarding the appeal at or before the next board meeting following the receipt of the appeal.

(b) Each appeal of a final order of the board shall be resolved by mediation in Topeka, Kansas before a sole mediator in accordance with the laws of the state of Kansas. The mediator and the parties shall use their best efforts to hold the mediation hearing within 30 days after commencement of the mediation.

(c) Judgment on the award may be entered in any court having jurisdiction. The award shall be in writing and shall indicate the factual findings and the reasons for the decision. (Authorized by and implementing K.S.A. 2000 Supp. 2-3710; effective, T-125-9-5-01, Sept. 5, 2001.)

125-1-6. Eligible corrective action costs. An eligible person may be reimbursed by the board for any of the following corrective action costs if the board deems the cost necessary and reasonable: (a) Costs for equipment owned by the eligible person and used during a corrective action for excavating, trucking, land spreading and other similar activities, if all of the following apply:

(1) The equipment is reasonably sized and designed to perform the corrective action;

(2) the hours or units of equipment use are reasonable and necessary for the task performed; and

(3) the equipment costs do not exceed reasonable rental costs for equivalent equipment, including any operator costs;

(b) any oversight costs that the eligible person has paid to the Kansas department of health and environment;

(c) contractor charges for meals, lodging, travel, mileage, and other expenses not to exceed the amounts allowed by K.S.A. 75-3223 and amendments thereto;

(d) costs for the land spreading of agricultural chemicals as approved by the Kansas department of agriculture, which shall be reimbursed at the custom rate as determined by the local farm service administration office, but not to exceed \$.50 per cubic yard per acre;

(e) normal employee wages, salaries, expenses, or fringe benefit allocations for time that the eligible party's employees actually spend on a corrective action;

(f) the cost of qualified professional services needed for the effective planning and implementation of corrective action, including engineering, hydrogeologic, field technician, hazardous waste disposal, and general contractor services;

(g) costs related to the investigation and source identification, including collecting and analyzing soil samples and groundwater. These costs may include costs for soil boring, installation of monitoring wells, sample collection, sample analysis, and related activities;

(h) costs to excavate contaminated soils and other contaminated media, including backfilling and grading to restore the contours or drainage characteristics of land altered by the corrective action. This subsection shall not authorize the reimbursement of costs incurred for the removal of buildings or other fixtures, except paving materials that are necessarily removed in the course of excavation;

(i) costs to collect, handle, transport, treat, and dispose of contaminated soils, groundwater, and other contaminated materials;

(j) costs associated with an emergency response that was necessary to abate acute risks to human health, safety, and the environment;

(k) costs to plant or till land on which the eligible person land spreads soils or water when the tilling or planting is required by the Kansas department of agriculture or the Kansas department of health and environment;

(l) costs associated with a corrective action that is required by the Kansas department of health and environment; or

(m) any other costs that the board deems necessary or reasonable. (Authorized by and implementing K.S.A. 2000 Supp. 2-3710; effective, T-125-9-5-01, Sept. 5, 2001.)

125-1-7. Ineligible costs. The authority to make the determination as to what constitutes an ineligible cost shall be retained by the board. Ineligible costs shall include the following items: (a) Costs that are not eligible for reimbursement as set forth in regulations adopted by the board;

(b) indirect costs charged by a contractor, unless those costs are allocated in the contract according to a reasonable cost allocation formula that the contractor uses for other similar contracts;

(c) an eligible person's indirect costs;

(continued)

(d) the cost for the time that the eligible person or any officer of the eligible person spends planning or implementing a corrective action. Reimbursement of normal employee wages, salaries, expenses, or fringe benefit allocation for time that any employee, other than officers, spends implementing a corrective action may be allowed by the board;

(e) costs to construct, repair, replace, improve, relocate, or demolish any building or fixture, unless the cost is required or approved by the Kansas department of health and environment and is a part of a corrective action;

(f) loss or decrease of property values;

(g) loss or decrease of revenue or income;

(h) attorney fees or other legal costs;

(i) costs for relocating residents or business operations;

(j) costs of aesthetic or other improvements that are not essential to a corrective action, except for restorative grading and filling costs;

(k) costs that are reimbursed from another source. If after being reimbursed by the board for any cost, an eligible person is reimbursed for the same cost from another source, the eligible person shall promptly notify the board and repay to the board any duplicative reimbursement;

(l) the cost of replacing the released agricultural chemicals;

(m) liability claims or judgments;

(n) costs incurred by any federal, state, or local governmental entity;

(o) costs for a contractor's services that exceed the contractor's bid price for those services, except for those costs that have increased due to services approved or required by the Kansas department of health and environment;

(p) costs not supported by a cancelled check or other conclusive proof of payment by the eligible person who is applying for reimbursement of those costs;

(q) costs to investigate or repair environmental contamination involving substances that are not agricultural chemicals. If a corrective action involving agricultural chemicals is combined with the investigation or repair of environmental contamination involving substances that are not agricultural chemicals, a portion of the combined project costs may be reimbursed by the board based on the information submitted to the board. If, for any combined project, an eligible person also submits a reimbursement claim to another governmental agency, the cost allocation shall reflect that submission so that this may be taken into account by the board when determining eligibility of the costs;

(r) costs to analyze environmental substances that are not agricultural chemicals, except that costs for the analysis of environmental parameters may be reimbursed by the board if that analysis is needed for the design or implementation of a corrective action;

(s) costs to analyze environmental samples for agricultural chemicals that are not reasonably suspected of having been released at the discharge site;

(t) costs to prepare an application for reimbursement, to contest a decision by the board, or to consult with the board or administrator regarding the application;

(u) expense charges for meals, lodging, travel, or other personal expenses incurred by the eligible person or officer of the eligible person;

(v) supplementary charges for expedited services, including expedited laboratory analysis, mail service, and parcel delivery service, unless required by the Kansas department of health and environment;

(w) contractor charges that are not based on services provided by the contractor and that are not documented;

(x) interest expenses or other financing costs;

(y) costs for the rental or use of land on which the eligible person land spreads soil, water, or other media as approved by the Kansas department of agriculture or the Kansas department of health and environment;

(z) costs for subcontractor service charges or markups;

(aa) costs for environmental audits, assessments, evaluations, or appraisals, unless ordered or requested by the Kansas department of health and environment; and

(bb) any civil or criminal penalty assessed by a federal, state, county, or other governmental entity. (Authorized by and implementing K.S.A. 2000 Supp. 2-3710; effective, T-125-9-5-01, Sept. 5, 2001.)

125-1-8. Payment of corrective action costs. (a) The eligible person may be reimbursed by the board for the reasonable and necessary costs associated with the corrective action incurred by the eligible person if the board determines any of the following:

(1) The eligible person has submitted all the necessary information to ascertain that the costs have been incurred by the eligible person.

(2) The corrective action was taken in accordance with an order or approved by the Kansas department of health and environment.

(3) The corrective action was taken due to an emergency situation.

(4) There are no pending or final administrative, civil, or criminal court cases involving the applicant or the applicant's representative or agent and the contaminated site.

(b) If the board determines that any portion of the applicant's reimbursement claim contains clearly ineligible costs, the application shall be returned to the applicant. (Authorized by and implementing K.S.A. 2000 Supp. 2-3710; effective, T-125-9-5-01, Sept. 5, 2001.)

125-1-9. Conflict of interest. Each member of the board who meets any of the following conditions shall refrain from voting on any application relating to that condition and shall make that condition known to the rest of the board: (a) The board member is an officer or employee of an eligible person whose application is before the board.

(b) The board member has a direct financial or employment interest relating to the application before the board.

(c) The board member has a substantial interest in the eligible person whose application is before the board. (Authorized by and implementing K.S.A. 2000 Supp. 2-3710; effective, T-125-9-5-01, Sept. 5, 2001.)

Mary Jane Stattelmann
Administrator

Doc. No. 027048

State of Kansas

Department of Wildlife
and ParksPermanent Administrative
RegulationsArticle 2.—FEES, REGISTRATIONS
AND OTHER CHARGES

115-2-1. Amount of fees. The following fees shall be in effect for the following licenses, permits, and other issues of the department: (a) Hunting licenses and permits.

Resident hunting license	18.00
Nonresident hunting license	70.00
Nonresident junior hunting license (under 16 years of age) ...	35.00
Resident big game hunting permit:	
General resident; either-sex elk permit	250.00
General resident; antlerless-only elk permit	100.00
Landowner/tenant; either-sex elk permit	125.00
Landowner/tenant; antlerless-only elk permit	50.00
Hunt-on-your-own-land; elk permit	30.00
General resident; deer permit	30.00
Landowner/tenant; deer permit	15.00
Hunt-on-your-own-land; deer permit	10.00
Special hunt-on-your-own-land; deer permit	10.00
General resident; antelope permit	40.00
Landowner/tenant; antelope permit	20.00
Hunt-on-your-own-land; antelope permit	10.00
General resident; turkey permit (1-bird limit)	20.00
General resident; turkey permit (2-bird limit)	25.00
Landowner/tenant; turkey permit (1-bird limit)	10.00
Landowner/tenant; turkey permit (2-bird limit)	15.00
Hunt-on-your-own-land; turkey permit (1-bird limit)	10.00
Hunt-on-your-own-land; turkey permit (2-bird limit)	15.00
Antelope preference point service charge	5.00
Game tag:	
Second and subsequent deer tag	10.00
Second and subsequent turkey tag	10.00
Nonresident big game hunting permit:	
Nonresident; turkey permit (1-bird limit)	30.00
Nonresident; turkey permit (2-bird limit)	35.00
Nonresident hunt-on-your-own-land; deer permit	50.00
Nonresident; deer permit (buck only or any deer)	200.00
Nonresident; deer permit (antlerless only)	50.00
Nonresident; deer permit (application fee)	5.00
48-hour waterfowl hunting permit	25.00
Field trial permit; game birds	20.00
Lifetime hunting license	300.00
or eight quarterly installment payments of	45.00
Migratory waterfowl habitat stamp	5.00
Special dark goose hunting permit	5.00
Sandhill crane hunting permit—validation fee	5.00
Disabled person hunt-from-a-vehicle permit	0

(b) Fishing licenses and permits.

Resident fishing license	18.00
Nonresident fishing license	40.00
24-hour fishing license	5.00
Lifetime fishing license	300.00
or eight quarterly installment payments of	45.00
Five-day nonresident fishing license	20.00
Institutional group fishing license	100.00
Special nonprofit group fishing license	50.00
Trout permit	10.00

(c) Combination hunting and fishing licenses and permits.

Resident combination hunting and fishing license	36.00
Resident lifetime combination hunting and fishing license	600.00
or eight quarterly installment payments of	90.00

Nonresident combination hunting and fishing license	110.00
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(d) Furharvester licenses.

Resident furharvester license	18.00
Resident junior furharvester license	10.00
Lifetime furharvester license	300.00
or eight quarterly installment payments of	45.00
Nonresident furharvester license	250.00
Resident fur dealer license	100.00
Nonresident fur dealer license	400.00
Field trial permit; furbearing animals	20.00

(e) Commercial licenses and permits.

Controlled shooting area hunting license	15.00
Resident mussel fishing license	75.00
Nonresident mussel fishing license	1,000.00
Mussel dealer permit	200.00
Missouri river fishing permit	25.00
Game breeder permit	10.00
Controlled shooting area operator license	200.00
Commercial dog training permit	20.00
Resident commercial guide permit	250.00
Nonresident commercial guide permit	1,000.00
Associate guide permit	100.00
Commercial fish bait permit	20.00
Commercial prairie rattlesnake harvest permit (without a valid Kansas hunting license)	20.00
Commercial prairie rattlesnake harvest permit (with a valid Kansas hunting license or exempt from this license requirement)	5.00
Commercial prairie rattlesnake dealer permit	50.00
Prairie rattlesnake round-up event permit	25.00

(f) Collection, scientific, importation, rehabilitation,
and damage-control permits.

Scientific, educational, or exhibition permit	10.00
Raptor propagation permit	0
Rehabilitation permit	0
Wildlife damage-control permit	0
Wildlife importation permit	10.00
Threatened or endangered species—special permits	0

(g) Falconry.

Apprentice permit	75.00
General permit	75.00
Master permit	75.00
Testing fee	50.00

(h) Miscellaneous fees.

Duplicate license, permit, stamp, and other issues of the department	5.00
Special departmental services, materials, or supplies	At cost
Vendor bond	
For bond amounts of \$5,000 & less	50.00
For bond amounts of more than \$5,000	50.00
plus \$6.00 per additional \$1,000.00 coverage or any fraction thereof.	

(i) This regulation shall be effective on and after January 1, 2002. (Authorized by and implementing K.S.A. 32-807, and K.S.A. 32-988, as amended by L. 2001, Ch. 211, sec. 9; effective Dec. 4, 1989; amended Sept. 10, 1990; amended Jan. 1, 1991; amended June 8, 1992; amended Oct. 12, 1992; amended April 11, 1994; amended Aug. 29, 1994; amended June 5, 1995; amended Aug. 21, 1995; amended Feb. 28, 1997; amended July 30, 1999; amended Jan. 2, 2002.)

115-2-4. Boat fees. (a) The following boating fees shall be in effect for vessel registrations and related issues for which a fee is charged:

(continued)

Testing or demonstration boat registration	30.00
Additional registration	5.00
Vessel registration:	
Vessel under 16 feet in length	20.00
Vessel 16 feet in length and over	25.00
Water event permit	25.00
Duplicate registration, certificate, or permit	5.00
Special services, materials, or supplies	at cost

(b) This regulation shall be effective on and after January 1, 2002. (Authorized by and implementing K.S.A. 32-1172, as amended by 2001 SB 147, §3; effective Aug. 1, 1990; amended Oct. 12, 1992; amended Jan. 1, 2002.)

Article 8.—DEPARTMENT LANDS AND WATERS

115-8-4. **Non-commercial hunting dog training.** (a) Subject to provisions and restrictions as established by posted notice, department lands and waters that are designated for public hunting or other areas as designated by the department shall be open for the non-commercial training of hunting dogs as follows:

(1) The non-commercial training of bird dogs and retrieving dogs shall be authorized throughout the year.

(2) The non-commercial training of trail hounds and sight hounds shall be authorized during and in compliance with established running and hunting seasons.

(b) Pigeons, pen-raised or wild-trapped, may be released and shot during the non-commercial training of bird dogs and retrieving dogs. Banding of released pigeons shall not be required.

(c) Other than pigeons, no game bird, pen-raised bird, or wild-trapped bird may be released on department lands or water during the noncommercial training of bird dogs and retrieving dogs, unless specifically authorized by a permit issued by the department. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective Dec. 4, 1989; amended Oct. 5, 2001.)

Article 13.—TRAINING DOGS AND FIELD TRIAL EVENTS

115-13-1. **Commercial dog training permit; application and general provisions.** (a) The application for a commercial dog training permit shall be on a form provided by the department, and each applicant shall provide the following information:

- (1) The name and address of the applicant;
- (2) the breeds of dog to be trained;
- (3) the type of dog training to be conducted;
- (4) a legal description of the area or areas where dog training will be conducted; and
- (5) other information as required by the secretary.

(b) Subject to all federal and state laws, rules, and regulations, commercial training of bird dogs shall be authorized throughout the year.

(c) General provisions.

(1) Pen-raised, banded game birds may be released and shot during bird dog training activities.

(2) Pen-raised, banded game birds that escape after release shall not be recaptured, except as authorized by paragraphs (c) (3) and (4) and K.A.R. 115-13-5.

(3) Pen-raised or wild-trapped pigeons and pen-raised, banded mallard ducks may be released and shot during bird dog training activities, and the birds may be

recaptured. Nontoxic shot approved under K.A.R. 115-18-14 shall be required for the taking of pen-raised mallard ducks.

(4) Chukar partridge and hungarian partridge may be released and shot during bird dog training activities, and chukar partridge and hungarian partridge may be recaptured.

(5) The banding of pigeons, chukar partridge, and hungarian partridge shall not be required.

(6) Pigeons, chukar partridge, hungarian partridge and pen-raised, banded birds that are shot during bird dog training activity may be possessed by the commercial bird dog trainer.

(7) All bands used shall be leg bands and shall be coded with the initials "CDT."

(8) No commercial bird dog trainer shall possess unattached bands while conducting bird dog training activities.

(9) Wild birds, except waterfowl, may be pursued during commercial bird dog training activities, but shall not be shot, killed, or possessed except during established hunting seasons for the taking and possession of that species.

(d) Subject to all federal and state laws, rules, and regulations, commercial training of sight and trail hounds for hunting, furbearer running, or furbearer harvesting purposes shall be authorized. This training shall be restricted to established furbearer seasons for the taking of furbearers by hunting methods, running seasons, and hunting seasons.

(e) Pen-raised, legally trapped and possessed, or wild red fox, gray fox, raccoon, opossum, coyote, and cotton-tail rabbit may be pursued during commercial sight or trail hound training activities, but shall not be shot or killed and shall not be possessed after initial release except during established seasons for the taking and possession of that species.

(f) Commercial dog training activities shall be restricted to the area specified on the permit. (Authorized by K.S.A. 32-807 and K.S.A. 32-954; implementing K.S.A. 32-807, K.S.A. 32-954 and K.S.A. 32-1002; effective Aug. 5, 1991; amended Oct. 5, 2001.)

115-13-2. **Non-commercial dog training.** (a) Subject to K.A.R. 115-8-4 concerning department lands and waters, non-commercial training of bird dogs shall be authorized throughout the year.

(b) General provisions.

(1) Pen-raised, banded game birds may be released during bird dog training activities, but shall not be shot except during established hunting seasons for that species.

(2) Pen-raised, banded game birds that escape after release shall not be recaptured, except as authorized by paragraphs (b) (3) and (4) and K.A.R. 115-13-5.

(3) Pen-raised or wild-trapped pigeons and pen-raised, banded mallard ducks may be released and shot during bird dog training activities and the birds may be recaptured. Nontoxic shot approved under K.A.R. 115-18-14 shall be required for the taking of pen-raised mallard ducks.

(4) Chukar partridge and hungarian partridge may be released and shot during bird dog training activities, and

chukar partridge and hungarian partridge may be recaptured.

(5) The banding of pigeons, chukar partridge, and hungarian partridge shall not be required.

(6) Pigeons, chukar partridge, hungarian partridge, and pen-raised, banded birds that are shot during bird dog training activity may be possessed by the bird dog trainer.

(7) All bands used shall be leg bands and shall be coded with the initials "DT."

(8) No dog trainer shall possess unattached bands while conducting bird dog training activities.

(9) Wild game birds, except waterfowl, may be pursued during bird dog training activities, but shall not be shot, killed, or possessed except during established hunting seasons for the taking and possession of that species.

(c) Subject to K.A.R. 115-8-4 concerning department lands and waters, non-commercial training of sight and trail hounds for hunting, furbearer running, or furbearer harvesting purposes shall be authorized. This training shall be restricted to established furbearer seasons for the taking of furbearers by hunting methods, running seasons, and hunting seasons.

(d) Pen-raised, legally trapped and possessed, or wild red fox, gray fox, raccoon, opossum, coyote, and cottontail rabbit may be pursued during non-commercial sight or trail hound training activities, but shall not be shot or killed and shall not be possessed after initial release except during established seasons for the taking and possession of that species. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective Aug. 5, 1991; amended Oct. 5, 2001.)

115-13-5. Pen-raised, banded birds; recapture. (a) Recapture call pens may be used to recapture pen-raised, banded birds and birds that have been otherwise marked according to K.A.R. 115-13-3. A recapture call pen permit shall be required to use a recapture call pen.

(b) The application shall be submitted on a form provided by the department, and each applicant shall provide the following information:

- (1) The name of the applicant;
- (2) the address of the applicant;
- (3) the telephone number of the applicant;
- (4) the purpose for the use of recapture call pens;
- (5) the period of time that recapture call pens would be in use; and

(6) the legal description including range, township, and section number where recapture call pens would be located.

(c) Issuance of a recapture call pen permit may be denied by the secretary if any of the following conditions exists:

- (1) The permit application is unclear or incomplete.
- (2) The need for use of a recapture call pen has not been established.
- (3) The use of recapture call pens would pose inordinate risk to non-target wildlife or wild game birds.
- (4) The applicant has been convicted of or plead guilty or nolo contendere to a recapture call pen violation.

(d) Only pen-raised, banded birds and birds that have been otherwise marked according to K.A.R. 115-13-3 may

be taken in recapture call pens. Each permittee shall attend to each of the permittee's recapture call pens at least once every 24-hour period while the recapture call pen is in use. Except as may otherwise be authorized by law or by rule and regulation, all nonbanded birds and other wildlife shall be released and shall not be restrained or used in any manner.

(e) The name and permit number of the permittee shall be attached to the roof of the recapture call pen while the recapture call pen is in use.

(f) Each recapture call pen permit shall expire at the close of the expiration date specified in the permit.

(g) Each recapture call pen permittee shall provide a report of permit activity to the department within 10 days after permit expiration. The report shall contain the following information:

- (1) The name of the permittee;
- (2) the permit number;
- (3) the number of days each recapture call pen was used;
- (4) the number and species of pen-raised, banded birds and birds otherwise marked according to K.A.R. 115-13-3 that were recaptured;
- (5) the number, species, and disposition of other wildlife captured; and
- (6) other information as required by the secretary.

(h) In addition to other penalties prescribed by law, a recapture call pen permit may be revoked by the secretary if either of the following applies:

- (1) The permit was secured through false representation.
- (2) The permittee fails to meet permit requirements or violates permit conditions. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective Aug. 5, 1991; amended Oct. 5, 2001.)

Article 14.—FALCONRY

115-14-2. Falconry permits. (a) "Service," as used in K.A.R. 115-14-2 through K.A.R. 115-14-12, shall mean the United States fish and wildlife service.

(b) Each individual engaged in falconry shall possess a current Kansas falconry permit or a current falconry permit from a state that the director of the service has determined meets the minimum federal standards for the taking, possessing, and transporting of raptors required by 50 C.F.R. 21.29, as adopted by reference in K.A.R. 115-14-1.

(c) Each individual holding a valid and current falconry permit from another state and moving to Kansas with the intent to establish residency shall apply for a Kansas falconry permit before becoming a resident in Kansas as defined in K.S.A. 32-701, and amendments thereto.

(d) Each falconer shall possess a current hunting license while hunting, unless exempt pursuant to K.S.A. 32-919 and amendments thereto. In addition, each non-resident falconer shall possess a current nonresident hunting license while participating in a falconry field trial or a department-approved special event.

(e) Each falconry permit shall be valid from the date of issuance through December 31 in the third calendar year after issuance.

(continued)

(f) A falconry permit may be renewed without the examination otherwise required by K.A.R. 115-14-4, if renewed before the current permit expires. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-1001 and K.S.A. 32-1002; effective Nov. 12, 1991; amended Aug. 15, 1994; amended Oct. 5, 2001.)

115-14-3. Falconry permit classes and requirements. (a) Apprentice class.

(1) Each applicant for an apprentice class permit shall be at least 14 years of age.

(2) Each applicant shall be sponsored by a general or master falconer during the first two years that the apprentice falconry permit is in force, and each apprentice falconer shall notify the department within 30 days of any change in sponsorship.

(3) Each sponsor shall supervise no more than three apprentice class falconers at any one time.

(4) Each apprentice falconer shall possess no more than one raptor. No apprentice falconer shall obtain more than one replacement raptor during any 12-month period.

(5) Each apprentice falconer shall possess only an American kestrel *Falco sparverius* or a red-tailed hawk *Buteo jamaicensis*.

(b) General class.

(1) Each applicant for a general class permit shall be at least 18 years of age.

(2) Each applicant for a general class permit shall have at least two years of experience at the apprentice class level or its equivalent, and shall submit an advancement form completed by the falconer's sponsor when initially applying for a general class permit.

(3) Each general falconer shall possess no more than two raptors. No general falconer shall obtain more than two replacement raptors during any 12-month period.

(c) Master class.

(1) Each applicant for a master class permit shall have at least five years of experience at the general class level or its equivalent.

(2) Each master falconer shall possess no more than three raptors. No master falconer shall obtain more than two replacement raptors during any 12-month period.

(d) Sponsors.

(1) Each sponsor of an apprentice falconer shall hold either a general or master class permit and shall have a minimum of five years of combined experience at any class levels.

(2) Each sponsor of an apprentice falconer shall notify the apprentice falconer upon withdrawing sponsorship and shall notify the department in writing within 30 days of withdrawing sponsorship. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective Nov. 12, 1991; amended Aug. 1, 1997; amended Oct. 5, 2001.)

115-14-5. Facilities and inspection. (a) The following indoor facility known as a mews, and outdoor facility known as a weathering area, shall be provided by each applicant before issuance or renewal of a falconry permit unless an exemption is granted by the department.

(1) Mews.

(A) Each facility shall be large enough to allow easy access for the caring for raptors housed in the facility.

(B) If more than one raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions, and the area for each raptor shall be large enough to allow the raptor to fully extend its wings.

(C) There shall be at least one window and one secure door that can be easily closed.

(D) Each window shall be protected on the inside by vertical bars, spaced at intervals narrower than the width of the raptor's body.

(E) The floor of the mews shall permit easy cleaning and shall be well drained.

(F) Adequate perches shall be provided.

(2) Weathering area.

(A) Each facility shall be fenced and either roofed or covered with netting or wire.

(B) The enclosed area shall be large enough to insure that the raptor cannot strike the fence when flying from the perch.

(C) Protection from excessive sun, wind, and inclement weather shall be provided for each raptor.

(D) At least one perch shall be provided.

(b) A falconry permit shall not be issued to any applicant unless the applicant's facilities have been inspected and certified by the department or a department representative as meeting minimum standards.

(c) All facilities shall be properly maintained and cleaned during the term of the permit. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-1002; effective Nov. 12, 1991; amended Oct. 5, 2001.)

115-14-6. Equipment. (a) The following equipment shall be possessed by each applicant before issuance or renewal of a permit:

(1) At least one pair of aylmeri jesses, or jesses of a similar type, constructed of pliable, high quality leather or a suitable synthetic material. The jesses shall be used when any raptor is flown free. Traditional one-piece jesses may be used on raptors when not being flown;

(2) at least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design;

(3) at least one suitable bath container for each raptor that is at least two to six inches deep and wider than the length of the raptor; and

(4) a reliable scale or balance suitable for weighing the raptors that is graduated to increments of not more than 1/2 ounce (15 grams).

(b) A falconry permit shall not be issued unless all equipment requirements are met.

(c) All equipment shall be properly maintained during the term of the permit. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-1002; effective Nov. 12, 1991; amended Oct. 5, 2001.)

115-14-7. (Authorized by K.S.A. 1990 Supp. 32-807; implementing K.S.A. 1990 Supp. 32-807, K.S.A. 1990 Supp. 32-1001, and K.S.A. 1990 Supp. 32-1002; effective Nov. 12, 1991; revoked Oct. 5, 2001.)

115-14-9. Acquisition of raptors. (a) Each falconer attempting to take or taking raptors from the wild shall possess a current hunting license, unless exempt pursuant to K.S.A. 32-919 and amendments thereto.

(b) Eyasses may be taken only by a general or master falconer and only during the period beginning on May 1 and extending through July 1.

(c) Passage and haggard raptors may be taken by apprentice, general, and master falconers during the period beginning on October 1 and extending through January 26.

(d) No more than two eyasses may be taken by the same falconer during the specified time period for the taking of eyasses.

(e) At least two eyasses shall be left in the nest when an eyass is taken.

(f) The following raptors may be taken from the wild, but only during the specified stages of development:

(1) Red-tailed hawk *Buteo jamaicensis* in the eyass and passage stages;

(2) American kestrel *Falco sparverius* in all stages; and

(3) great-horned owl *Bubo virginianus* in all stages.

(g) Any other species of raptor in the eyass or passage stage of development may be taken by general and master falconers if the service authorizes taking of the species from the wild for falconry purposes. No species listed as a Kansas threatened or endangered species shall be taken from the wild.

(h) Each falconer shall apply for authorization from the department before attempting to take raptors from the wild in Kansas.

(i) Each item of equipment used to capture raptors shall have a tag attached containing the permittee's name, address, and current falconry permit number.

(j) Marked raptors may be recaptured at any time.

(k) Each falconer shall purchase, receive, sell, barter, or transfer raptors only in compliance with 50 C.F.R. 21.28 and 21.29, as adopted by reference in K.A.R. 115-14-1.

(l) Captive-bred raptors of any species may be used by general and master falconers if the use of such species for falconry has been authorized by 50 C.F.R. 21.28 and 21.29, as adopted by reference in K.A.R. 115-14-1.

(m) Other than those species listed on the federal or Kansas threatened or endangered lists, raptors taken under a depredation or special purpose federal permit may be used by general and master falconers as authorized by 50 C.F.R. 21.28, as adopted by reference in K.A.R. 115-14-1. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-919, and K.S.A. 32-1002; effective Nov. 12, 1991; amended Aug. 15, 1994; amended Aug. 1, 1997; amended Oct. 5, 2001.)

115-14-10. **Other provisions.** (a) Each person possessing raptors before January 1, 1974 in excess of the number permitted by K.A.R. 115-14-9 shall be authorized to retain the raptors without being subject to falconry requirements. Each raptor shall be identified by a permanent marker provided by the service, and the raptor shall not be replaced.

(b) No raptor shall be intentionally released to the wild without written authorization from the department. When released to the wild, the raptor's marker shall be removed and surrendered either to the department or to the service.

(c) If all requirements established by 50 C.F.R. 21.28 and 21.29 as adopted by reference in K.A.R. 115-14-1 are

met, any raptor possessed under authority of a falconry permit may be temporarily held and cared for by a person other than the permittee.

(d) Feathers that are molted or that are from birds that have died in captivity may be retained and exchanged by falconers for imping purposes only.

(e) Nonresident falconers may import their raptors into Kansas for hunting and field trial purposes, special events, and other uses as approved by the department.

(f) Each falconer shall notify the department of any permanent change of address within 30 days after the change.

(g) Falconers may export their raptors to other states for hunting, field trial, and other purposes if the falconer is in compliance with all federal laws and regulations and the laws and regulations of the state to which raptors are to be exported.

(h) Any raptor held by a falconer may be temporarily transferred to a raptor propagation permit holder, but only for purposes of breeding.

(i) Those species that are required by the service to be marked shall be in compliance with 50 C.F.R. 21.28 and 21.29 as adopted by reference in K.A.R. 115-14-1.

(j) Service markers on deceased or destroyed raptors shall be returned to the department within five days of the loss.

(k) The season for taking game birds by falconry shall be September 1 through March 31.

(l) Falconers may possess hen pheasants that are incidentally taken by falconry means during the established falconry game bird season. Each falconer shall possess no more than two hen pheasants per day.

(m) Mistreatment of any raptor shall be grounds for permit revocation and for confiscation of any raptors in possession of a falconer. Mistreatment shall be defined as any of the following:

(1) Having physical custody of a raptor and failing to provide food, potable water, protection from the elements, opportunity for exercise, and other care as is needed for the health or well-being of the raptor;

(2) abandoning or leaving any raptor in any place without making provisions for its proper care; or

(3) failing to meet the requirements of K.A.R. 115-14-5.

(n) If a falconer takes necessary corrective action within 48 hours after receiving notice of mistreatment from the department, no legal action shall be taken against the falconer, and the raptor shall be returned to the falconer within 48 hours after the corrective action has been taken. However, a record of the mistreatment may be retained by the department, and a citation may be issued according to K.S.A. 32-1049, and amendments thereto, if the falconer receives three or more notices of the same mistreatment, even if corrective action has been taken in each specific instance.

(o) If the falconer has not taken necessary corrective action within 48 hours, then a citation may be issued according to K.S.A. 32-1049, and amendments thereto, or the raptors may be seized, or both. The Kansas administrative procedures act, K.S.A. 77-501 et seq., and amend-

(continued)

ments thereto, shall provide the method of procedure for the seizure of raptors.

(p) In addition to other penalties prescribed by law, a falconry permit may be denied or revoked by the department for violation of any laws or rules and regulations that govern falconry. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-1001, K.S.A. 32-1002 and K.S.A. 32-1047; effective Nov. 12, 1991; amended Aug. 15, 1994; amended Oct. 5, 2001.)

Article 18.—SPECIAL PERMITS

115-18-5. (Authorized by 1989 HB 2005, Sec. 9; implementing 1989 HB 2005, Sec. 54; effective Oct. 30, 1989; revoked Oct. 5, 2001.)

115-18-8. **Retrieval and possession of game animals and migratory game birds; requirements.** (a) Each individual wounding or killing a game animal or a migratory game bird shall make a reasonable effort to retrieve the wounded or dead game animal or migratory game bird. The retrieved game animal or migratory game bird shall be included in the individual's bag or possession limit.

(b) Each game animal or migratory game bird retrieved shall be retained until any of the following occurs:

(1) The animal or bird is processed for consumption.

(2) The animal or bird is transported to the individual's residence, to a place of commercial preservation, or to a place of commercial processing.

(3) The animal or bird is given to another person in accordance with K.A.R. 115-3-1.

(4) The animal or bird is consumed.

(c) The provisions of this regulation shall not affect any requirement of state or federal law or regulation regarding any proof of species, age, or sex and the attachment of this proof to the carcass.

(d) For purpose of this regulation, migratory game bird shall mean any duck, goose, coot, merganser, rail, mourning dove, snipe, woodcock, or sandhill crane for which a hunting season has been established in this state. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective June 8, 1992; amended Jan. 30, 1995; amended Oct. 5, 2001.)

115-18-9. **Furharvester license; unlicensed observer and restrictions.** (a) If a non-participating observer accompanies a licensed furharvester who is engaged in furharvesting, the observer shall not be required to have a furharvester license.

(b) A non-participating observer shall be defined as an individual who, while accompanying a licensed furharvester, does not engage in or attempt to engage in any of the following:

(1) Carrying or using any equipment that is used in an activity requiring a furharvester license;

(2) controlling or training any dog that is or can be used for an activity requiring a furharvester license; or

(3) assisting a licensed furharvester in any manner that would otherwise require a furharvester license. (Authorized by K.S.A. 32-807 and K.S.A. 32-911; implementing K.S.A. 32-911; effective Dec. 27, 1993; amended Oct. 5, 2001.)

115-18-14. **Nontoxic shot; statewide.** (a) Each individual hunting with a shotgun for waterfowl, coot, rail, snipe, or sandhill crane shall possess and use only nontoxic shot.

(b) The following nontoxic shot materials shall be approved for the hunting of waterfowl, coot, rail, snipe, and sandhill crane:

(1) Steel shot;

(2) steel shot coated with any of the following materials:

(A) Copper;

(B) nickel;

(C) zinc chromate; or

(D) zinc chloride;

(3) bismuth-tin shot;

(4) tungsten-iron shot;

(5) tungsten-polymer shot;

(6) tungsten-matrix shot; and

(7) tungsten-nickel-iron shot. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective Dec. 27, 1994; amended Sept. 22, 1995; amended Dec. 29, 1997; amended Oct. 1, 1999; amended Oct. 5, 2001.)

Steve Williams
Secretary of Wildlife
and Parks

Doc. No. 027055

(Published in the Kansas Register September 20, 2001.)

Summary Notice of Bond Sale City of Emporia, Kansas \$6,145,000*

General Obligation Bonds, Series 2001-A (General obligation bonds payable from unlimited ad valorem taxes)

Bids

Subject to the notice of bond sale dated September 12, 2001, bids will be received by the assistant city manager of the City of Emporia, Kansas, on behalf of the governing body at 522 Mechanic, Emporia, KS 66801, until 11 a.m. Wednesday, October 3, 2001, for the purchase of \$6,145,000* principal amount of General Obligation Bonds, Series 2001-A. No bid of less than the entire par value of the bonds and accrued interest to the date of delivery will be considered. The city also will sell \$260,000 principal amount of its temporary notes at the same time.

Bond Details

The bonds will consist of fully registered book-entry only bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated October 1, 2001, and will become due on September 1 in the years as follows:

Maturity September 1	Principal Amount*
2002	\$ 25,000
2003	25,000
2004	100,000
2005	200,000

2006	250,000
2007	250,000
2008	275,000
2009	300,000
2010	320,000
2011	650,000
2012	775,000
2013	675,000
2014	750,000
2015	675,000
2016	875,000

The bonds will bear interest from that date at rates to be determined when the bonds are sold as provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2002.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a financial surety bond in a form that complies with the requirements set forth in the notice of sale in the amount of \$122,900 (2 percent of the principal amount of the bonds).

Delivery

The city will pay for preparation of the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about October 11, 2001, at the offices of the Depository Trust Company, New York, New York.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation of the city for computation of bonded debt limitations for the year 2001 is \$138,215,802. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$29,435,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Logan Riley Carson & Kaup, L.C., Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the assistant city manager, (620) 343-4252; from the city's financial advisor, U.S. Bancorp Piper Jaffray, 4600 Madison Ave., Suite 1200, Kansas City, MO 64112, Attention: Greg Vahrenberg, (816) 360-3074; or from bond counsel, Logan Riley Carson & Kaup, L.C., 9200 Indian Creek Parkway, Suite 230, Overland Park, KS 66210, (913) 661-0399.

Dated September 12, 2001.

City of Emporia, Kansas
By Mark McAnarney
Assistant City Manager
522 Mechanic
Emporia, KS 66801
Fax (620) 434-4254

*Principal amount is subject to change.

Doc. No. 027071

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2000 Volumes of the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-5-8	Amended (T)	V. 20, p. 175
1-5-8	Amended	V. 20, p. 730
1-5-9	Amended (T)	V. 20, p. 176
1-5-9	Amended	V. 20, p. 730
1-5-19b	Amended (T)	V. 20, p. 176
1-5-19b	Amended	V. 20, p. 730
1-5-19c	Amended (T)	V. 20, p. 176
1-5-19c	Amended	V. 20, p. 730
1-5-20	Amended (T)	V. 20, p. 176
1-5-20	Amended	V. 20, p. 731
1-5-24	Amended	V. 19, p. 1337
1-9-23	Amended	V. 19, p. 944
1-18-1a	Amended	V. 19, p. 1719
1-18-1a	Amended (T)	V. 20, p. 1123
1-45-7a	New (T)	V. 20, p. 1123
1-49-1	Amended	V. 19, p. 724

AGENCY 3: KANSAS STATE TREASURER

Reg. No.	Action	Register
3-2-1	New	V. 19, p. 1016
3-2-2	New	V. 19, p. 1016
3-2-3	New	V. 19, p. 1016
3-3-1	New	V. 19, p. 1678

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-3-47	Amended	V. 20, p. 861
4-3-49	Amended (T)	V. 20, p. 246
4-3-49	Amended	V. 20, p. 861
4-3-51	New (T)	V. 20, p. 246
4-3-51	New	V. 20, p. 861
4-7-213	Amended	V. 19, p. 117
4-7-214	Amended	V. 19, p. 117
4-7-215	Revoked	V. 19, p. 118
4-7-216	New	V. 19, p. 118
4-8-14a	Amended	V. 19, p. 1679
4-8-27	Amended	V. 19, p. 1679
4-8-28	Amended	V. 19, p. 1680
4-8-29	Amended	V. 19, p. 1680
4-8-32	Amended	V. 19, p. 1680
4-8-34	Amended	V. 19, p. 1680
4-8-41	Amended	V. 19, p. 1680
4-8-42	New	V. 19, p. 1680
4-10-2j	Amended	V. 20, p. 431
4-10-5	Amended	V. 20, p. 430
4-10-5a	New	V. 20, p. 431

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-1-1	Amended	V. 19, p. 1476
5-1-3		
through		
5-1-12	New	V. 19, p. 1480-1483
5-2-3	New	V. 19, p. 1484

5-3-1a	New	V. 19, p. 1484
5-3-4b	Amended	V. 19, p. 1484
5-3-4c	New	V. 19, p. 1484
5-3-4d	New	V. 19, p. 1485
5-3-4e	New	V. 19, p. 1485
5-3-5d	Amended	V. 19, p. 1485
5-3-5e	Amended	V. 19, p. 1485
5-3-5g through		
5-3-5n	New	V. 19, p. 1485, 1486
5-3-11	Amended	V. 19, p. 1486
5-3-16	Amended	V. 19, p. 1490
5-3-19 through		
5-3-28	New	V. 19, p. 1490-1493
5-4-5	New	V. 19, p. 1494
5-4-8	New	V. 19, p. 1494
5-5-1	Amended	V. 19, p. 1495
5-5-6	Amended	V. 19, p. 1495
5-5-13	New	V. 19, p. 1496
5-5-14	New	V. 19, p. 1496
5-5-16	New	V. 19, p. 1496
5-6-3 through		
5-6-15	New	V. 19, p. 1497-1499
5-7-4	Amended	V. 19, p. 1499
5-7-4a	New	V. 19, p. 1500
5-7-5	New	V. 19, p. 1500
5-8-3	New	V. 19, p. 1500
5-8-4	New	V. 19, p. 1501
5-8-6	New	V. 19, p. 1501
5-8-7	New	V. 19, p. 1502
5-8-8	New	V. 19, p. 1502
5-9-11	New	V. 19, p. 1503
5-12-1 through		
5-12-4	New	V. 19, p. 1503, 1504

(continued)

5-13-1 through 5-13-11	New	V. 19, p. 1504-1507
5-14-1 through 5-14-7	New	V. 19, p. 1507-1509
5-21-4	Amended	V. 19, p. 1509
5-21-5	New	V. 19, p. 1510
5-21-8	New	V. 19, p. 1510
5-21-9	New	V. 19, p. 1510
5-23-1	Amended	V. 19, p. 1510
5-23-3	Amended	V. 19, p. 1511
5-23-3a	New	V. 19, p. 1511
5-23-4	Amended	V. 19, p. 1512
5-23-4a	Amended	V. 19, p. 1513
5-23-4b	New	V. 19, p. 1513
5-23-14	New	V. 19, p. 1514
5-23-15	New	V. 19, p. 1514
5-25-4	Amended	V. 20, p. 294
5-40-1	Amended	V. 19, p. 1514
5-40-4	Amended	V. 19, p. 1515
5-40-11	New	V. 19, p. 1515
5-40-14	New	V. 19, p. 1515
5-40-15	New	V. 19, p. 1515
5-40-16	New	V. 19, p. 1515
5-41-1	Amended	V. 19, p. 1516
5-41-6	Amended	V. 19, p. 1516
5-42-3	Revoked	V. 19, p. 1516
5-42-4	New	V. 19, p. 1517
5-45-1	Amended	V. 19, p. 1517
5-45-4	Amended	V. 19, p. 1518
5-45-13	Amended	V. 19, p. 1518
5-45-14	Amended	V. 19, p. 1518
5-45-18	New	V. 19, p. 1518
5-46-1	New	V. 19, p. 1519
5-46-3	New	V. 19, p. 1519
5-46-4	New	V. 19, p. 1520

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-17-3	New (T)	V. 20, p. 1121
7-17-4	New (T)	V. 20, p. 1121
7-24-2	Amended	V. 20, p. 323
7-25-1	Amended	V. 20, p. 325
7-26-1	Amended	V. 20, p. 325
7-26-2	Amended	V. 20, p. 325
7-28-1	Amended	V. 20, p. 325
7-29-2	Amended	V. 20, p. 325
7-32-1	Amended	V. 19, p. 1269
7-32-2	Amended	V. 19, p. 1269
7-36-4	Amended	V. 20, p. 326
7-38-1	Amended	V. 20, p. 326
7-41-1 through 7-41-13	New	V. 20, p. 1021-1023

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-7-19	New (T)	V. 20, p. 934
9-10-33	New	V. 20, p. 1393
9-10-33a	New	V. 20, p. 1393
9-14-2	Amended	V. 19, p. 1748
9-15-4	Amended	V. 19, p. 1748
9-15-5	New	V. 19, p. 1948
9-18-1	Amended (T)	V. 20, p. 935
9-22-4	New (T)	V. 20, p. 935
9-22-5	New (T)	V. 20, p. 936

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-6-1	Amended	V. 19, p. 399

AGENCY 17: STATE BANK COMMISSIONER

Reg. No.	Action	Register
17-22-1	Amended	V. 19, p. 500
17-23-16	Amended	V. 19, p. 500

AGENCY 23: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
23-1-11	Revoked	V. 20, p. 1061
23-8-27	Revoked	V. 20, p. 1061

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-2	Amended	V. 19, p. 141
28-1-18	Amended	V. 19, p. 141

28-1-26	New	V. 19, p. 142
28-4-501	Amended	V. 19, p. 422
28-4-503	Amended	V. 19, p. 423
28-4-504	Amended	V. 19, p. 423
28-4-505	Amended	V. 19, p. 423
28-4-513	Amended	V. 19, p. 423
28-4-530	Revoked	V. 19, p. 423
28-4-531	Revoked	V. 19, p. 423
28-10-15 through 28-10-35	Revoked	V. 20, p. 322
28-10-37	Revoked	V. 20, p. 322
28-10-38	Revoked	V. 20, p. 322
28-10-39	Revoked	V. 20, p. 322
28-10-75 through 28-10-88	Revoked	V. 20, p. 322
28-10-100 through 28-10-108	Revoked	V. 20, p. 322
28-15-35	Amended	V. 20, p. 725
20-15-36	Amended	V. 20, p. 728
28-15-36a	Amended	V. 20, p. 728
28-15-37	Amended	V. 20, p. 729
28-16-28b through 28-16-28e	Amended	V. 20, p. 1264-1270
28-16-30 through 28-16-36	Amended	V. 20, p. 1277-1279
28-16-57	Revoked	V. 20, p. 322
28-16-58	Amended	V. 20, p. 1279
28-16-60	Amended	V. 20, p. 1280
28-16-76 through 28-16-79	Revoked	V. 20, p. 322
28-16-82	Revoked	V. 20, p. 322
28-17-6	Amended (T)	V. 20, p. 1122
28-17-15	Amended	V. 19, p. 1190
28-19-79	Revoked	V. 20, p. 492
28-19-202	Amended	V. 20, p. 322
28-19-717	New	V. 19, p. 1932
28-19-719	New	V. 20, p. 492
28-19-729	New	V. 19, p. 565
28-19-729a through 28-19-729h	New	V. 19, p. 566-569
28-29-1100 through 28-29-1107	New	V. 19, p. 941-943
28-34-1a	Amended	V. 20, p. 105
28-34-6a	Amended	V. 20, p. 106
28-34-9a	Amended	V. 20, p. 107
28-34-21	Revoked	V. 20, p. 323
28-34-26	Revoked	V. 20, p. 323
28-34-27	Revoked	V. 20, p. 323
28-34-28	Revoked	V. 20, p. 323
28-34-30	Revoked	V. 20, p. 323
28-34-32b	Amended	V. 20, p. 107
28-34-50	Amended	V. 20, p. 453
28-34-51	Amended	V. 20, p. 454
28-34-52	Revoked	V. 20, p. 455
28-34-52a	New	V. 20, p. 455
28-34-52b	New	V. 20, p. 455
28-34-53	Amended	V. 20, p. 456
28-34-54	Amended	V. 20, p. 456
28-34-55	Revoked	V. 20, p. 457
28-34-55a	New	V. 20, p. 457
28-34-56	Revoked	V. 20, p. 457
28-34-56a	New	V. 20, p. 457
28-34-57	Amended	V. 20, p. 457
28-34-58	Revoked	V. 20, p. 458
28-34-58a	New	V. 20, p. 458
28-34-59	Revoked	V. 20, p. 459
28-34-59a	New	V. 20, p. 459
28-34-60	Revoked	V. 20, p. 459
28-34-60a	New	V. 20, p. 459
28-34-61	Revoked	V. 20, p. 460
28-34-61a	New	V. 20, p. 460
28-34-62a	Amended	V. 20, p. 460
28-34-75 through 28-34-93	Revoked	V. 20, p. 323
28-34-94a	Revoked	V. 20, p. 323
28-36-30	Amended (T)	V. 20, p. 1122

28-36-60	New (T)	V. 20, p. 1122
28-36-120	New (T)	V. 20, p. 1122
28-38-18 through 28-38-23	Amended	V. 19, p. 1078-1080
28-38-26	Amended	V. 19, p. 1081
28-38-28	Amended	V. 19, p. 1081
28-38-29	Amended	V. 19, p. 1081
28-38-30	New	V. 19, p. 1082
28-39-410	Revoked	V. 20, p. 323
28-59-1 through 28-59-5	Amended	V. 20, p. 295, 296
28-59-5a	Amended	V. 20, p. 297
28-59-6	Amended	V. 20, p. 297
28-59-7	Amended	V. 20, p. 298
28-59-8	Amended	V. 20, p. 298
28-61-1 through 28-61-10	Amended	V. 20, p. 298-303
28-61-11	New	V. 20, p. 304
28-68-1	Amended	V. 19, p. 1934
28-68-2	Amended	V. 19, p. 1934
28-68-3	Amended	V. 19, p. 1935
28-68-6	Amended	V. 19, p. 1936
28-72-51 through 28-72-54	New	V. 19, p. 989, 990

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-50	Amended	V. 19, p. 1548
30-4-64	Amended	V. 20, p. 490
30-5-58	Amended	V. 20, p. 1023
30-5-59	Amended	V. 19, p. 1548
30-5-64	Amended	V. 20, p. 1393
30-5-81	Amended	V. 19, p. 1587
30-5-92	Amended	V. 20, p. 1029
30-5-94	Amended	V. 20, p. 1030
30-5-108	Amended	V. 20, p. 491
30-5-309	Amended	V. 19, p. 988
30-6-89	New	V. 20, p. 1394
30-10-21	Amended	V. 19, p. 1550

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-2-3	Revoked	V. 19, p. 1449
36-2-4	Revoked	V. 19, p. 1449
36-2-6	Revoked	V. 19, p. 1449
36-2-8 through 36-2-13	Revoked	V. 19, p. 1449
36-15-23	Revoked	V. 19, p. 1622
36-34-1	Revoked	V. 19, p. 1622

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-8	Revoked	V. 20, p. 946
40-1-13	Revoked	V. 20, p. 946
40-1-30	Revoked	V. 20, p. 723
40-1-37	Amended	V. 20, p. 1343
40-1-42	Amended	V. 20, p. 723
40-1-43	Amended	V. 20, p. 723
40-1-46	New	V. 20, p. 573
40-3-26	Amended	V. 19, p. 303
40-3-27	Revoked	V. 19, p. 680
40-3-29	Revoked	V. 20, p. 946
40-3-32	Amended	V. 19, p. 303
40-3-45	Amended	V. 19, p. 303
40-3-49	Amended	V. 19, p. 303
40-4-35	Amended	V. 20, p. 1307
40-4-41	Amended	V. 20, p. 946
40-4-41b through 40-4-41g	Amended	V. 20, p. 949-953
40-4-41h	New	V. 20, p. 953
40-4-41i	New	V. 20, p. 954
40-4-41j	New	V. 20, p. 954
40-5-106	Revoked	V. 20, p. 1161
40-5-111	Revoked	V. 20, p. 1161
40-7-6	Revoked	V. 20, p. 1161
40-9-100	Amended	V. 20, p. 954

40-12-1 Revoked V. 20, p. 723

**AGENCY 49: DEPARTMENT OF
HUMAN RESOURCES**

Reg. No.	Action	Register
49-45-1 through 49-45-4	Amended	V. 19, p. 504
49-45-4a	New	V. 19, p. 504
49-45-5 through 49-45-9	Amended	V. 19, p. 504
49-45-20 through 49-45-28	Amended	V. 19, p. 504, 505
49-45-29 through 49-45-34	New	V. 19, p. 505
49-45a-1	Amended	V. 19, p. 505
49-45a-2 through 49-45a-27	Revoked	V. 19, p. 506
49-46-1	Amended	V. 19, p. 506
49-47-1	Amended	V. 19, p. 507
49-47-1a	New	V. 19, p. 507
49-47-1b	New	V. 19, p. 507
49-47-2	Amended	V. 19, p. 507
49-48-1	Amended	V. 19, p. 508
49-49-1a	New	V. 19, p. 508
49-50-1 through 49-50-4	Amended	V. 19, p. 509, 510
49-50-6 through 49-50-15	Amended	V. 19, p. 510-513
49-50-17 through 49-50-20	Amended	V. 19, p. 513, 514
49-50-21	New	V. 19, p. 514
49-50-22	New	V. 19, p. 515
49-51-1	Amended	V. 19, p. 515
49-51-2	Amended	V. 19, p. 515
49-51-3	Amended	V. 19, p. 515
49-51-3a	New	V. 19, p. 516
49-51-6 through 49-51-12	Amended	V. 19, p. 516-518
49-51-14	Revoked	V. 19, p. 518
49-52-5 through 49-52-9	Amended	V. 19, p. 518-520
49-52-11	Amended	V. 19, p. 520
49-52-13	Amended	V. 19, p. 520
49-52-14	Amended	V. 19, p. 521
49-52-15	Revoked	V. 19, p. 521
49-52-16	New	V. 19, p. 521
49-52-17	New	V. 19, p. 521
49-54-1 through 49-54-3	Revoked	V. 19, p. 521

**AGENCY 50: DEPARTMENT OF HUMAN
RESOURCES—DIVISION OF EMPLOYMENT**

Reg. No.	Action	Register
50-1-2	Amended	V. 20, p. 137
50-1-3	Amended	V. 20, p. 138
50-1-4	Amended	V. 20, p. 138
50-2-1	Amended	V. 20, p. 139
50-2-3	Amended	V. 20, p. 139
50-2-9	Revoked	V. 20, p. 140
50-2-12	Amended	V. 20, p. 140
50-2-17	Amended	V. 20, p. 140
50-2-18	Amended	V. 20, p. 140
50-2-19	Amended	V. 20, p. 140
50-2-21	Amended	V. 20, p. 141
50-2-26	Amended	V. 20, p. 143
50-3-1 through 50-3-5	Amended	V. 20, p. 143-145
50-4-2	Amended	V. 20, p. 146

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-4-101	Amended	V. 20, p. 449
60-6-101	Amended	V. 19, p. 344

60-7-102	Amended	V. 20, p. 449
60-7-108	Amended	V. 20, p. 449
60-8-101	Amended	V. 20, p. 449
60-9-105	Amended	V. 20, p. 449
60-9-106	Amended	V. 20, p. 450
60-11-101	Amended	V. 19, p. 344
60-11-103	Amended	V. 19, p. 345
60-11-104a	Amended	V. 19, p. 346
60-11-106	Amended	V. 19, p. 346
60-11-108	Revoked	V. 19, p. 346
60-11-119	Amended	V. 20, p. 451
60-13-101	Amended	V. 20, p. 451
60-16-104	Amended	V. 20, p. 451
60-17-101 through 60-17-111	New	V. 19, p. 346-350

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-3	Amended	V. 19, p. 2024
63-1-4	Amended	V. 19, p. 2024
63-1-5	Amended	V. 19, p. 2025
63-1-6	Amended	V. 19, p. 2025
63-1-12	Amended	V. 19, p. 2025
63-2-7	Amended	V. 19, p. 2025
63-2-10	Amended	V. 19, p. 2026
63-2-11	Amended	V. 19, p. 2026
63-2-12	Amended	V. 19, p. 2026
63-3-17	Amended	V. 19, p. 2027
63-3-18	Amended	V. 19, p. 2027
63-3-20	Amended	V. 19, p. 2027
63-5-1	Amended	V. 19, p. 2028
63-6-1	Amended	V. 19, 0. 2028
63-6-2	Amended	V. 19, p. 2028
63-6-3	Amended	V. 19, p. 2029
63-6-6	Amended	V. 19, p. 2029

**AGENCY 65: BOARD OF EXAMINERS
IN OPTOMETRY**

Reg. No.	Action	Register
65-5-6	Amended	V. 19, p. 839
65-8-5	New	V. 20, p. 944

**AGENCY 66: BOARD OF TECHNICAL
PROFESSIONS**

Reg. No.	Action	Register
66-6-4	Amended	V. 20, p. 102
66-6-6	Amended	V. 19, p. 70
66-7-2	Amended	V. 19, p. 70
66-8-7	New	V. 19, p. 70
66-9-4	Amended	V. 19, p. 71
66-9-6	New	V. 19, p. 71
66-10-1	Amended	V. 20, p. 103
66-10-4	Amended	V. 20, p. 103
66-10-11	Amended	V. 20, p. 104
66-10-12	Amended	V. 20, p. 104
66-10-13	Amended	V. 20, p. 104
66-11-4	New	V. 19, p. 72
66-12-1	Amended	V. 19, p. 72
66-14-1	Amended	V. 19, p. 72
66-14-6	Amended	V. 19, p. 72
66-14-10	Amended	V. 20, p. 104

**AGENCY 67: BOARD OF HEARING
AID EXAMINERS**

Reg. No.	Action	Register
67-2-4	Amended	V. 19, p. 626
67-3-2	Amended	V. 19, p. 626
67-4-7	Amended	V. 19, p. 626
67-4-10	Amended	V. 19, p. 626
67-4-13	New	V. 19, p. 626
67-5-3	Amended	V. 19, p. 626
67-5-4	Amended	V. 19, p. 626
67-6-4	Amended	V. 19, p. 626
67-7-4	Amended	V. 19, p. 627

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-5-1	Amended	V. 19, p. 501
68-7-11	Amended	V. 19, p. 501
68-7-14	Amended	V. 19, p. 502
68-7-18	Amended	V. 19, p. 503
68-9-2	New	V. 20, p. 1020
68-14-8	Amended	V. 19, p. 1830

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-20	New	V. 19, p. 573
71-1-21	New	V. 19, p. 573
71-3-8	New	V. 19, p. 1336

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-1-2	Amended	V. 19, p. 1791
74-1-7	New	V. 19, p. 1792
74-2-1	Amended	V. 19, p. 1792
74-2-3	Amended	V. 19, p. 1792
74-2-4	Amended	V. 19, p. 1792
74-3-8	Amended	V. 19, p. 1792
74-4-1	Revoked	V. 19, p. 1792
74-4-1a	New	V. 19, p. 1792
74-4-2a	New	V. 19, p. 1792
74-4-3a	New	V. 19, p. 1793
74-4-4	Amended	V. 19, p. 1793
74-4-7	Amended	V. 19, p. 1793
74-4-10	Amended	V. 19, p. 1793
74-5-2	Amended	V. 19, p. 1793
74-5-202	Amended	V. 19, p. 1794
74-5-203	Amended	V. 19, p. 1794
74-5-205	New	V. 19, p. 1795
74-5-405	Amended	V. 19, p. 1795
74-6-1	Amended	V. 19, p. 1795
74-6-2	Amended	V. 19, p. 1795
74-7-2	Amended	V. 19, p. 1795
74-11-6	Amended	V. 19, p. 1796
74-12-1	Amended	V. 19, p. 1796
74-15-1	New	V. 19, p. 1797
74-15-2	New	V. 19, p. 1797

AGENCY 75: STATE BANKING DEPARTMENT

Reg. No.	Action	Register
75-6-2	Revoked	V. 19, p. 1082
75-6-6	Revoked	V. 19, p. 1082
75-6-24	Revoked	V. 19, p. 1082
75-6-26	Amended	V. 19, p. 1082
75-6-30	New	V. 19, p. 1082
75-6-31	New	V. 19, p. 1083
75-6-32	New	V. 20, p. 175

**AGENCY 82: STATE CORPORATION
COMMISSION**

Reg. No.	Action	Register
82-1-250	New	V. 20, p. 1094
82-3-133	Amended	V. 20, p. 771
82-3-133a	New	V. 20, p. 771
82-3-201	Amended	V. 20, p. 771
82-3-206	Amended	V. 20, p. 771
82-3-300	Amended	V. 20, p. 772
82-3-306	Amended	V. 20, p. 772
82-3-307	Amended	V. 20, p. 773
82-3-310	Amended	V. 20, p. 773
82-3-312	Amended	V. 20, p. 773
82-4-1	Amended	V. 19, p. 1158
82-4-3	Amended	V. 19, p. 1159
82-4-6d	Amended	V. 19, p. 1083
82-4-8a	Amended	V. 19, p. 1084
82-4-8h	New	V. 19, p. 1085
82-4-20	Amended	V. 19, p. 1085
82-4-23	Amended	V. 19, p. 1085
82-4-24a	Amended	V. 19, p. 1085
82-4-27c	Amended	V. 19, p. 1085
82-4-27e	Amended	V. 19, p. 1086
82-4-27f	Revoked	V. 19, p. 1087
82-4-27g	Amended	V. 19, p. 1087
82-4-30a	Amended	V. 19, p. 1087
82-4-31	Amended	V. 19, p. 1087
82-4-32	Amended	V. 19, p. 1087
82-4-33	Amended	V. 19, p. 1087
82-4-35a	Amended	V. 19, p. 1088
82-4-37	Amended	V. 19, p. 1088
82-4-42	Amended	V. 19, p. 1088
82-4-57	Amended	V. 19, p. 1088

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-23-1 through 88-23-6	New	V. 19, p. 41-43

(continued)

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-26	Revoked	V. 19, p. 1435
91-1-27	Revoked	V. 19, p. 1435
91-1-27a through 91-1-27d	Revoked	V. 19, p. 1435
91-1-28	Revoked	V. 19, p. 1435
91-1-30	Revoked	V. 19, p. 1435
91-1-30a	Revoked	V. 19, p. 1435
91-1-31 through 91-1-35	Revoked	V. 19, p. 1435
91-1-37	Revoked	V. 19, p. 1435
91-1-39 through 91-1-58	Revoked	V. 19, p. 1435, 1436
91-1-60	Revoked	V. 19, p. 1436
91-1-61	Revoked	V. 19, p. 680
91-1-63	Revoked	V. 19, p. 1436
91-1-65	Revoked	V. 19, p. 1436
91-1-67	Revoked	V. 19, p. 1436
91-1-68a through 91-1-68e	Amended	V. 19, p. 1588-1592
91-1-70	Revoked	V. 19, p. 1436
91-1-70b	Revoked	V. 19, p. 1593
91-1-71 through 91-1-83	Revoked	V. 19, p. 1436, 1437
91-1-84a	Revoked	V. 19, p. 1437
91-1-85 through 91-1-91	Revoked	V. 19, p. 1437
91-1-91a	Revoked	V. 19, p. 1437
91-1-92	Revoked	V. 19, p. 1437
91-1-93a	Revoked	V. 19, p. 1437
91-1-101a	Revoked	V. 19, p. 1437
91-1-101b	Revoked	V. 19, p. 1437
91-1-102a	Revoked	V. 19, p. 1437
91-1-104b	Revoked	V. 19, p. 1437
91-1-104c	Revoked	V. 19, p. 1437
91-1-105	Revoked	V. 19, p. 1437
91-1-106	Revoked	V. 19, p. 1437
91-1-106a through 91-1-106m	Revoked	V. 19, p. 1437, 1438
91-1-107a	Revoked	V. 19, p. 1438
91-1-108a	Revoked	V. 19, p. 1438
91-1-108b	Revoked	V. 19, p. 1438
91-1-108c	Revoked	V. 19, p. 1438
91-1-109a	Revoked	V. 19, p. 1438
91-1-110a	Revoked	V. 19, p. 1438
91-1-110c	Revoked	V. 19, p. 1438
91-1-111a	Revoked	V. 19, p. 1438
91-1-112c	Revoked	V. 19, p. 1438
91-1-112d	Revoked	V. 19, p. 1438
91-1-113b	Revoked	V. 19, p. 1438
91-1-114a	Revoked	V. 19, p. 1438
91-1-115a	Revoked	V. 19, p. 1438
91-1-117a	Revoked	V. 19, p. 1438
91-1-118a	Revoked	V. 19, p. 1438
91-1-119a through 91-1-119g	Revoked	V. 19, p. 1438, 1439
91-1-120	Revoked	V. 19, p. 1439
91-1-121	Revoked	V. 19, p. 1439
91-1-122	Revoked	V. 19, p. 1439
91-1-123a	Revoked	V. 19, p. 1439
91-1-125	Revoked	V. 19, p. 1439
91-1-127a	Revoked	V. 19, p. 1439
91-1-128b	Revoked	V. 19, p. 1439
91-1-129a	Revoked	V. 19, p. 1439
91-1-130	Revoked	V. 19, p. 1439
91-1-131	Revoked	V. 19, p. 1439
91-1-132a	Revoked	V. 19, p. 1439
91-1-135a	Revoked	V. 19, p. 1439
91-1-137a	Revoked	V. 19, p. 1439
91-1-138a	Revoked	V. 19, p. 1439
91-1-140a	Revoked	V. 19, p. 1439
91-1-141	Revoked	V. 19, p. 1439
91-1-143	Revoked	V. 19, p. 1439
91-1-144	Revoked	V. 19, p. 1439
91-1-145	Revoked	V. 19, p. 1439

91-1-146a	Amended	V. 19, p. 1593
91-1-146e	Amended	V. 19, p. 1593
91-1-148a	Revoked	V. 19, p. 1439
91-1-149	Revoked	V. 19, p. 1439
91-1-150	Revoked	V. 19, p. 1439
91-1-153	Revoked	V. 19, p. 1439
91-1-200 through 91-1-211	New	V. 19, p. 1439-1449
91-5-14	Amended	V. 20, p. 108
91-12-22	Revoked	V. 19, p. 680
91-12-23	Revoked	V. 19, p. 680
91-12-24a	Revoked	V. 19, p. 680
91-12-25	Revoked	V. 19, p. 680
91-12-27	Revoked	V. 19, p. 680
91-12-28	Revoked	V. 19, p. 680
91-12-30 through 91-12-33	Revoked	V. 19, p. 680
91-12-35 through 91-12-42	Revoked	V. 19, p. 680, 681
91-12-44 through 91-12-69	Revoked	V. 19, p. 681
91-12-71 through 91-12-74	Revoked	V. 19, p. 682
91-22-1a	New	V. 19, p. 682
91-22-2	Amended	V. 19, p. 683
91-22-3	Revoked	V. 19, p. 683
91-22-4	Amended	V. 19, p. 683
91-22-5a	Amended	V. 19, p. 683
91-22-7	Amended	V. 19, p. 683
91-22-8	Revoked	V. 19, p. 683
91-22-9	Amended	V. 19, p. 683
91-22-10 through 91-22-18	Revoked	V. 19, p. 684
91-22-19	Amended	V. 19, p. 684
91-22-21	Revoked	V. 19, p. 684
91-22-22	Amended	V. 19, p. 684
91-22-23	Revoked	V. 19, p. 684
91-22-24	Revoked	V. 19, p. 684
91-22-25	Amended	V. 19, p. 684
91-22-26	Revoked	V. 19, p. 685
91-37-2	Amended	V. 20, p. 724
91-37-3	Amended	V. 20, p. 724
91-37-4	Amended	V. 20, p. 724
91-40-1 through 91-40-5	New	V. 19, p. 685-691
91-40-2	Amended	V. 20, p. 541
91-40-7 through 91-40-12	New	V. 19, p. 692-695
91-40-7	Amended	V. 20, p. 541
91-40-9	Amended	V. 20, p. 542
91-40-10	Amended	V. 20, p. 542
91-40-16 through 91-40-19	New	V. 19, p. 695-697
91-40-17	Amended	V. 20, p. 543
91-40-18	Amended	V. 20, p. 544
91-40-21	New	V. 19, p. 697
91-40-22	New	V. 19, p. 697
91-40-24 through 91-40-31	New	V. 19, p. 698-700
91-40-27	Amended	V. 20, p. 544
91-40-33 through 91-40-39	New	V. 19, p. 700-702
91-40-33	Amended	V. 20, p. 544
91-40-36	Amended	V. 20, p. 545
91-40-37	Amended	V. 20, p. 545
91-40-38	Amended	V. 20, p. 545
91-40-41 through 91-40-48	New	V. 19, p. 702-704
91-40-50	New	V. 19, p. 705, 706
91-40-52	Amended	V. 20, p. 545
91-40-53	Amended	V. 20, p. 546

91-41-1 through 91-41-4	New (T)	V. 20, p. 137
91-41-1 through 91-41-4	New	V. 20, p. 546, 547

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-9-8	Revoked	V. 20, p. 1124
92-12-66	Revoked	V. 20, p. 1124
92-12-66a	New	V. 20, p. 1124
92-15-6	Amended	V. 20, p. 1126
92-19-4a	Revoked	V. 20, p. 1126
92-19-4b	New	V. 20, p. 1126
92-19-16a	New	V. 20, p. 1128
92-19-24	Amended	V. 20, p. 1129
92-19-33	Amended	V. 20, p. 1129
92-19-64	Revoked	V. 20, p. 1129
92-19-64a	New	V. 20, p. 1129
92-19-73	Amended	V. 20, p. 1130
92-19-75	Revoked	V. 20, p. 1130
92-25-1	Amended	V. 20, p. 1130
92-51-33	Revoked	V. 20, p. 1130
92-51-50	Revoked	V. 20, p. 1130
92-51-51	Revoked	V. 20, p. 1130
92-51-52	Revoked	V. 20, p. 1130
92-51-54	Revoked	V. 20, p. 1130
92-51-55	Revoked	V. 20, p. 1131
92-52-9	Amended (T)	V. 20, p. 1124
92-52-9a	Amended (T)	V. 20, p. 1188
92-53-1 through 92-53-7	Revoked	V. 20, p. 1131
92-54-1 through 92-54-5	Revoked	V. 20, p. 1131

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Reg. No.	Action	Register
93-1-1 through 93-1-4	Revoked	V. 20, p. 452
93-4-6	Amended	V. 20, p. 452
93-6-1 through 93-6-4	Amended	V. 20, p. 452, 453

AGENCY 99: DEPARTMENT OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES

Reg. No.	Action	Register
99-26-1	Amended	V. 19, p. 840
99-27-1	Amended	V. 19, p. 840

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-6-2	Amended	V. 19, p. 241
100-7-1	Amended	V. 19, p. 1044
100-10a-1	Amended	V. 19, p. 241
100-10a-3	Amended	V. 19, p. 241
100-11-1	Amended	V. 19, p. 1190
100-15-1	Amended	V. 20, p. 1093
100-22-3	New	V. 19, p. 571
100-27-1	New	V. 20, p. 773
100-28a-1 through 100-28a-16	New (T)	V. 20, p. 247-251
100-28a-1 through 100-28a-16	New	V. 20, p. 774-778
100-29-7	Amended	V. 19, p. 1547
100-49-4	Amended	V. 19, p. 1190
100-54-4	Amended	V. 19, p. 1547
100-55-1 through 100-55-9	Amended	V. 19, p. 1017-1020
100-55-4	Amended	V. 19, p. 1547
100-55-11	New	V. 19, p. 1020
100-60-1	Revoked (T)	V. 20, p. 251
100-60-1	Revoked	V. 20, p. 778
100-60-2	Revoked (T)	V. 20, p. 251
100-60-2	Revoked	V. 20, p. 778
100-60-4	Revoked (T)	V. 20, p. 251

100-60-4	Revoked	V. 20, p. 778
100-60-5	Revoked (T)	V. 20, p. 251
100-60-5	Revoked	V. 20, p. 778
100-60-6	Revoked (T)	V. 20, p. 251
100-60-6	Revoked	V. 20, p. 779
100-60-8		
through		
100-60-15	Revoked (T)	V. 20, p. 251
100-60-8		
through		
100-6-15	Revoked	V. 20, p. 779
100-60-10	Amended	V. 19, p. 571
100-60-13	Amended	V. 19, p. 572
100-69-5	Amended	V. 19, p. 1547

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-3	Revoked	V. 19, p. 1681
102-1-3a	New	V. 19, p. 1681
102-1-5	Revoked	V. 19, p. 1683
102-1-5a	New	V. 19, p. 1683
102-1-12	Amended	V. 19, p. 1684
102-1-15	Amended	V. 19, p. 1686
102-1-17	New	V. 19, p. 1687
102-1-18	New	V. 19, p. 1687
102-1-19	New	V. 20, p. 572
102-2-1a	Amended	V. 19, p. 1192
102-2-2a	Amended	V. 19, p. 1194
102-2-3	Amended	V. 19, p. 1194
102-2-4a	Amended	V. 19, p. 1195
102-2-5	Amended	V. 19, p. 1196
102-2-7	Amended	V. 19, p. 1196
102-2-8	Amended	V. 19, p. 1198
102-2-11	Amended	V. 19, p. 1200
102-2-12	Amended	V. 19, p. 1201
102-2-13	New	V. 19, p. 1202
102-2-14	New	V. 19, p. 1202
102-2-15	New	V. 20, p. 572
102-3-1a	Amended	V. 19, p. 1202
102-3-2	Amended	V. 19, p. 1204
102-3-5a	Amended	V. 19, p. 1205
102-3-7a	Amended	V. 19, p. 1206
102-3-14	New	V. 19, p. 1207
102-3-15	New	V. 19, p. 1207
102-3-16	New	V. 20, p. 572
102-4-1a	Amended	V. 19, p. 1208
102-4-2	Amended	V. 19, p. 1209
102-4-4a	Amended	V. 19, p. 1209
102-4-5a	Amended	V. 19, p. 1211
102-4-7a	Amended	V. 19, p. 1211
102-4-14	New	V. 19, p. 1212
102-4-15	New	V. 19, p. 1213
102-4-16	New	V. 20, p. 572
102-5-1	Amended	V. 19, p. 1213
102-5-2	Amended	V. 19, p. 1214
102-5-4a	Amended	V. 19, p. 1215
102-5-5	Amended	V. 19, p. 1216
102-5-7a	Amended	V. 19, p. 1216
102-5-13	New	V. 19, p. 1218
102-5-14	New	V. 19, p. 1218
102-5-15	New	V. 20, p. 572

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-1	Amended	V. 19, p. 2022
108-1-3	New	V. 19, p. 68

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-2-2	Amended	V. 19, p. 1949
109-5-1	Amended	V. 19, p. 1749

109-5-4	Amended	V. 19, p. 1750
109-6-2	Amended	V. 19, p. 1750
109-6-3	New	V. 19, p. 1751
109-7-1	Amended	V. 19, p. 1751
109-10-1	Amended	V. 19, p. 1751
109-11-6	Amended	V. 19, p. 1753
109-13-1	Amended	V. 19, p. 1754

AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING

Reg. No.	Action	Register
110-4-1	Amended (T)	V. 20, p. 934
110-4-1	Amended	V. 20, p. 1392
110-6-1	Amended	V. 20, p. 177
110-6-1a	Amended	V. 20, p. 178
110-6-2	Amended	V. 20, p. 178
110-6-3	Amended	V. 20, p. 178
110-6-4	Amended	V. 20, p. 179
110-6-5	Amended	V. 20, p. 180
110-7-1		
through		
110-7-4	Revoked	V. 20, p. 1426
110-7-5	New	V. 20, p. 1426
110-7-6	New	V. 20, p. 1426
110-7-8	New	V. 20, p. 1426
110-7-9	New	V. 20, p. 1426
110-7-10	New	V. 20, p. 1426

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. The regulations listed below were published after December 31, 2000.

Reg. No.	Action	Register
111-2-4	Amended	V. 20, p. 1094
111-2-119		
through		
111-2-124	New	V. 20, p. 416-419
111-2-120	Amended	V. 20, p. 1094
111-2-124	Amended	V. 20, p. 1343
111-2-125	New	V. 20, p. 573
111-2-126	New	V. 20, p. 573
111-2-127	Amended	V. 20, p. 937
111-2-128	New	V. 20, p. 1188
111-2-129	New	V. 20, p. 1343
111-2-130	New	V. 20, p. 1394
111-3-12	Amended	V. 20, p. 40
111-3-35	Amended	V. 20, p. 1189
111-4-1795		
through		
111-4-1813	New	V. 20, p. 40-47
111-4-1801	Amended	V. 20, p. 1095
111-4-1803	Amended	V. 20, p. 1095
111-4-1805a	New	V. 20, p. 1095
111-4-1814		
through		
111-4-1823	New	V. 20, p. 419-427
111-4-1818	Amended	V. 20, p. 575
111-4-1824	New	V. 20, p. 575
111-4-1825		
through		
111-4-1839	New	V. 20, p. 937-942
111-4-1828	Amended	V. 20, p. 1096
111-4-1832	Amended	V. 20, p. 1344
111-4-1840		
through		
111-4-1844	New	V. 20, p. 1096-1100
111-4-1845		
through		
111-4-1850	New	V. 20, p. 1189-1193
111-4-1849	Amended	V. 20, p. 1344
111-4-1851	New	V. 20, p. 1345
111-4-1852	New	V. 20, p. 1346
111-4-1853	New	V. 20, p. 1347

111-4-1854		
through		
111-4-1870	New	V. 20, p. 1395-1405
111-5-23	Amended	V. 20, p. 428
111-5-24	Amended	V. 20, p. 428
111-5-27	Amended	V. 20, p. 429
111-7-123	Amended	V. 20, p. 48
111-7-134	Amended	V. 20, p. 429
111-7-152	Amended	V. 20, p. 49
111-7-158		
through		
111-7-162	New	V. 20, p. 577
111-7-159	Amended	V. 20, p. 1101
111-7-162	Amended	V. 20, p. 944
111-7-163		
through		
111-7-170	New	V. 20, p. 1101-1103
111-7-165	Amended	V. 20, p. 1194
111-9-111	New	V. 20, p. 1406
111-9-112	New	V. 20, p. 1406

AGENCY 112: KANSAS RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-4-1	Amended	V. 20, p. 765
112-7-19	Amended	V. 20, p. 547
112-7-21	Amended	V. 19, p. 118
112-10-38	Amended	V. 19, p. 119
112-11-20	Amended	V. 20, p. 945
112-18-21	Amended	V. 19, p. 1308
112-18-22	Amended	V. 19, p. 119

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-2	Amended	V. 19, p. 1875
115-2-3	Amended	V. 19, p. 1875
115-3-1	Amended	V. 20, p. 766
115-3-2	Amended	V. 20, p. 767
115-4-1	Revoked	V. 20, p. 767
115-4-2	New	V. 20, p. 767
115-4-3	Revoked	V. 20, p. 768
115-4-4	New	V. 20, p. 768
115-4-5	Revoked	V. 20, p. 769
115-4-6	Amended	V. 19, p. 1140
115-4-7		
through		
115-4-10	Revoked	V. 20, p. 769
115-4-11	Amended	V. 20, p. 769
115-4-12	Revoked	V. 20, p. 770
115-4-13	Amended	V. 20, p. 770
115-7-1	Amended	V. 19, p. 1876
115-8-1	Amended	V. 20, p. 1061
115-8-5	Revoked	V. 20, p. 1061
115-8-8	Amended	V. 20, p. 1061
115-8-12	Amended	V. 20, p. 1062
115-8-16	Revoked	V. 20, p. 1062
115-8-18	Revoked	V. 20, p. 1062
115-8-20	Amended	V. 20, p. 1062
115-8-21	Amended	V. 20, p. 1062
115-18-10	Amended	V. 19, p. 1474
115-18-13	Amended	V. 19, p. 1475
115-18-16	New	V. 19, p. 1475
115-18-17	New	V. 20, p. 1062
115-20-1	Amended	V. 20, p. 1063
115-20-2	Amended	V. 20, p. 1063

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-6-3	Amended	V. 20, p. 862
117-6-4	New	V. 20, p. 863
117-7-1	Amended	V. 20, p. 863
117-8-1	Amended	V. 20, p. 1020
117-9-1	Amended	V. 19, p. 41

